

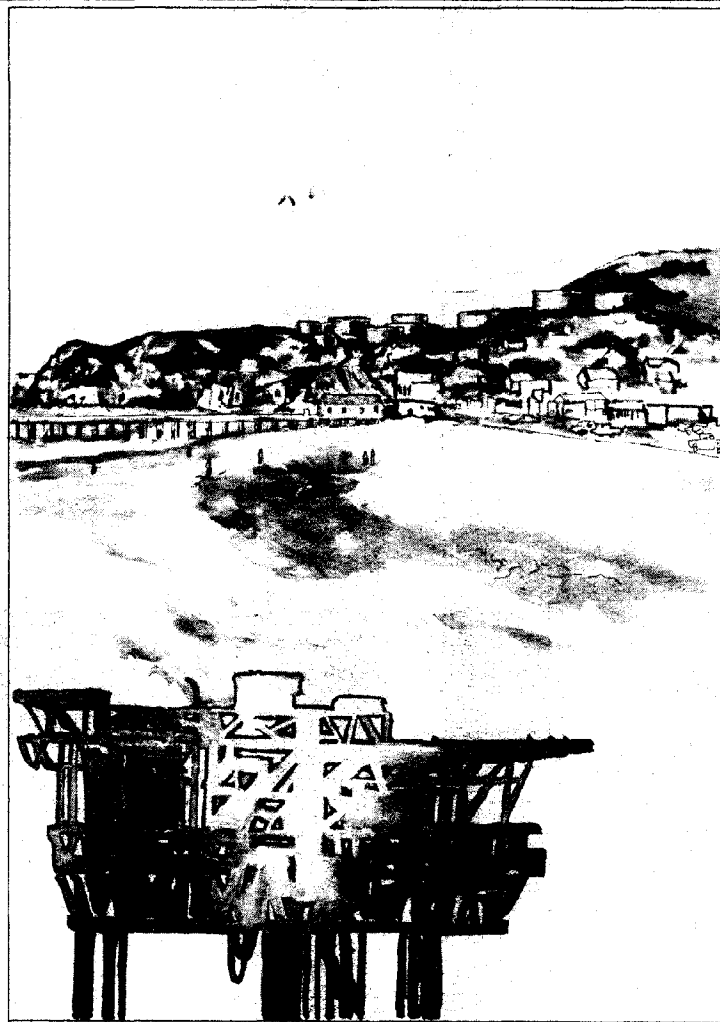
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# COASTAL ENERGY DEVELOPMENT

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## THE CALIFORNIA EXPERIENCE

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# **COASTAL ENERGY DEVELOPMENT: THE CALIFORNIA EXPERIENCE**

**A Guide for Coastal Local Governments**

109567.62 C-38 1981

**CALIFORNIA COASTAL COMMISSION**

**SEPTEMBER 1981**

This publication was prepared with financial assistance from the U.S. Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, as amended, and from the California Coastal Commission under the provisions of the Coastal Act of 1976.



# State of California

GOVERNOR'S OFFICE  
SACRAMENTO 95814

EDMUND G. BROWN JR.  
GOVERNOR

Dear Reader:

California's coastal land and water areas are used for many facilities that contribute to the nation's energy needs. A principal goal of my administration has been to protect coastal resources and also provide for these energy facilities that meet a public need.

Since the enactment of the California Coastal Act of 1976, the California Coastal Commission has been at the forefront in dealing with a multitude of energy developments proposed along the coastline. Consideration of these proposals has involved issues of national importance. During the last four years, the Coastal Commission has dealt with power plant siting, port master planning, energy planning in the preparation of local coastal programs in 68 coastal cities and counties, and offshore petroleum exploration and development.

This handbook is intended to share the insight of the Commission with local governments, energy companies seeking state approval of their development proposals, and other coastal states involved in energy development. This information will be helpful to those concerned with addressing this nation's pressing energy needs. The handbook also demonstrates that it is clearly possible to meet those needs without despoiling our natural environment.

Sincerely,

A handwritten signature in black ink that reads 'Edmund G. Brown Jr.' followed by a large, stylized flourish.

EDMUND G. BROWN, JR.  
Governor

## **ACKNOWLEDGEMENTS**

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## INTRODUCTION

Coastal energy facility siting and planning often involve complex technical, environmental, and economic issues that extend beyond the jurisdiction of a single city or county. For example, an energy company may apply for a permit from a local jurisdiction to construct a pipeline for transporting processed oil to a marine terminal that is outside the local jurisdiction where the pipeline originates, where it would be loaded onto tankers for shipment to yet another local jurisdiction. What are the criteria to be used by the local Planning Commission, City Council or Board of Supervisors to analyze such a project?

The California Coastal Act of 1976 includes specific policies for regulating coastal energy facility planning and siting. This handbook is based on the Coastal Act and is primarily intended for California local governments with *coastal development permit authority* to help them deal with coastal energy development. It explains what local governments' responsibilities are under the Coastal Act; which coastal energy facilities and activities fall under their coastal development permit authority and which do not. It explains how Local Coastal Programs (LCPs) will be used in siting coastal energy facilities. It also discusses what kinds of energy facilities and activities are subject to appeal under the Coastal Act and how the Coastal Commission has dealt with similar subjects in the past. Finally, it explains how the Coastal Commission has handled issues where local governments are involved but have no direct permit authority.

Thus, the handbook focuses on the tools available to the Coastal Commission and local governments with certified LCPs under the Coastal Act to plan for and to regulate coastal energy development, both onshore and offshore. Onshore, these tools include LCPs, port master plans, power plant designations, and coastal development permits. Offshore, they include coastal development permits for development in State waters and tidelands, "consistency" review authority over federal or private activities in the coastal zone and activities on federal lands and in federal waters, and State participation in the federal Outer Continental Shelf (OCS) leasing process.

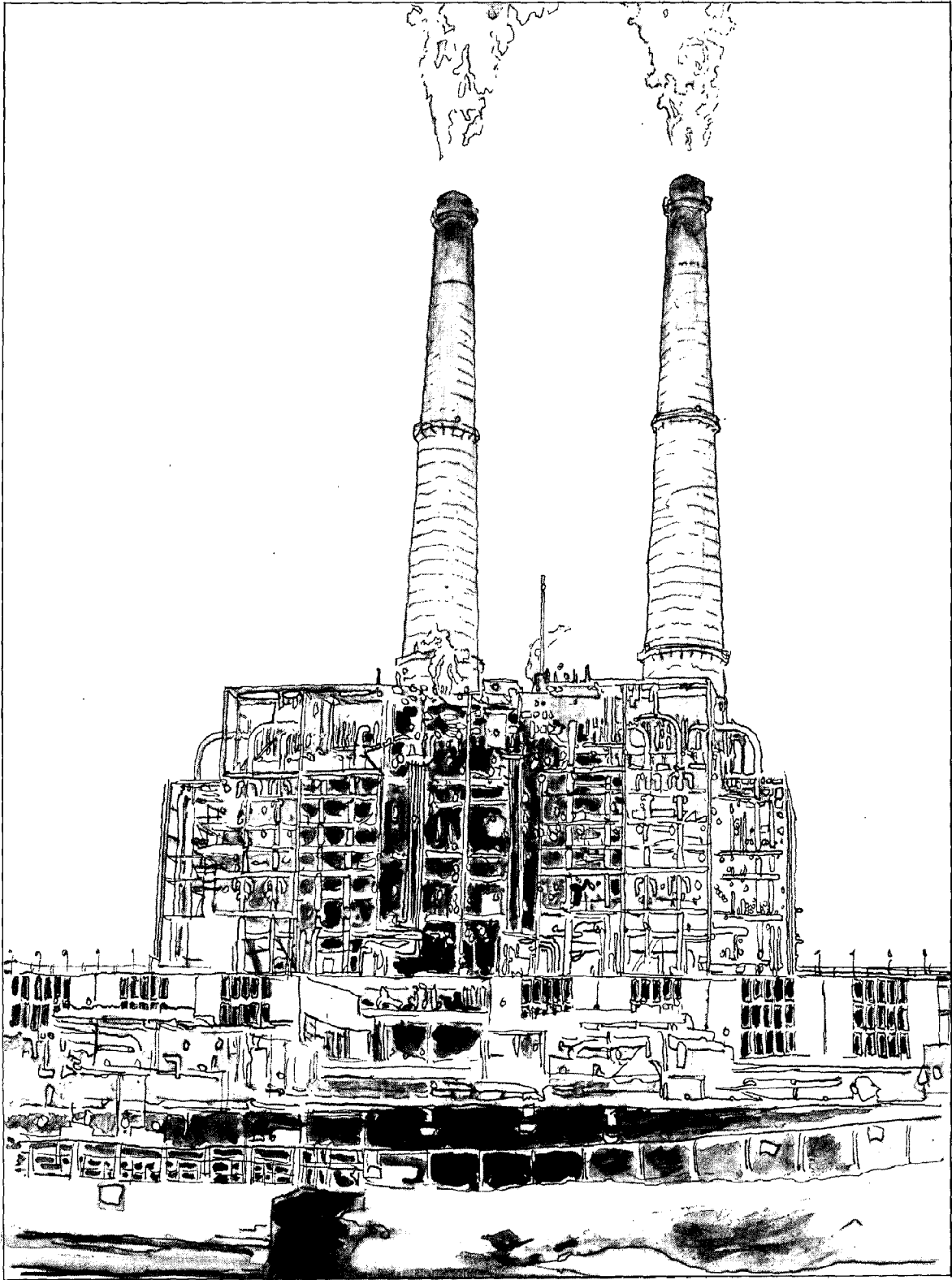
Some of the information in this handbook will not be directly applicable to every local jurisdiction. The Coastal Commission retains original permit authority over development in coastal waters, including tidelands, submerged lands, and public trust lands, and also retains consistency review authority over OCS oil and gas development activities. In addition, only local jurisdictions adjacent to the Ports of San Diego,

Long Beach, Los Angeles, and Hueneme will be affected by certified port master plans. Similarly, not all cities and counties will be affected by the power plant exclusionary designation process. All these tools are presented, however, to give a comprehensive picture of how coastal energy development in California can be planned and controlled.

The majority of the handbook consists of accounts of specific Coastal Commission permits and OCS consistency actions which serve as case studies to illustrate the range of issues and Coastal Act concerns associated with siting different types of energy facilities in different geographic settings. These case studies also highlight the conditions of approval developed for each permit and consistency review to address these concerns and issues. Local governments can use these accounts of Commission actions over the last four years to guide their own decisionmaking. Case studies of Commission OCS consistency actions are included to illustrate how closely OCS plans must be coordinated with onshore facility siting that local governments *do* control. In fact, many energy facilities sited onshore, such as pipelines and processing plants, are directly tied to offshore energy development as Chapter 5 demonstrates.

While the primary focus is toward local government, the handbook can be useful to others. By explaining what local government responsibilities and authorities are, energy developers are provided with an outline of how local governments will consider their development proposals. By explaining which local decisions on energy facilities and activities can be appealed to the Coastal Commission and what the Coastal Commission has done on similar issues, energy developers are provided with some idea of the precedents and past requirements placed on energy projects by the Commission. By discussing the coastal energy development issues California has faced and how it has handled them, other states with different legal requirements are given some ideas about the concerns they might consider in their review of similar developments. And, by explaining the requirements placed on local governments and the Commission, the public is offered a clearer understanding of what to expect in individual governmental decisions.

The handbook is organized into eight chapters. Six of the chapters discuss different planning or regulatory tools available for managing coastal energy development and its applicability to local government regulation under the Coastal Act (Chapters 1-4, 6-7). Chapters 5 and 8 present the case studies for coastal development permits and OCS consistency reviews, respectively. The handbook also includes a bibliography of energy-related references and appendices.





## CHAPTER 1

### POWER PLANT SITING

The 1976 Coastal Act and the Warren-Alquist Act, which established the State Energy Commission, provide the State's approach for controlling power plant siting within the coastal zone. To simplify the approval process for siting power plants, the California Energy Commission has been given overall permit authority for power plant siting throughout the State. Other State and local agencies and private parties can participate in the Energy Commission siting procedures as intervenors. The Coastal Commission, however, has a special role in the siting of power plants in the coastal zone. The Coastal Act [Sections 30413(b), (c), and (d)] requires the Commission to designate specific areas of the coastal zone which are *not* suitable for siting new power plants or related facilities, and also provides for special Commission involvement in Energy Commission power plant siting procedures within areas not designated by the Commission.

#### The Designation Process

The Coastal Commission must identify sensitive resources along the coast and must designate areas as unsuitable for power plant siting because of conflicts with the objectives and policies of the Coastal Act. These resource designations are based on the potential impacts from "thermal power plants" which have a generating capacity of over 50 megawatts and which usually cover an area from 100 to 1,500 acres. Generally areas are designated as unsuitable because they are adjacent to or within sensitive plant and wildlife habitat areas, agricultural lands, or recreational areas.

As required by law, the first designation process was completed and adopted by the Commission in 1978 and subsequently forwarded to the Energy Commission. The adopted report defines the approach and criteria used to implement Coastal Act policies. It also contains specific findings for each section of the coast which has been designated as unsuitable for power plant siting. All of the protected designated areas are displayed on 162 maps covering the entire coastal zone (see Figure 1 for overall designations).<sup>\*</sup> The designations are revised biennially.

<sup>\*</sup>Copies of the 162 designation maps are available for the cost of reproduction from the Coastal Commission's San Francisco office.

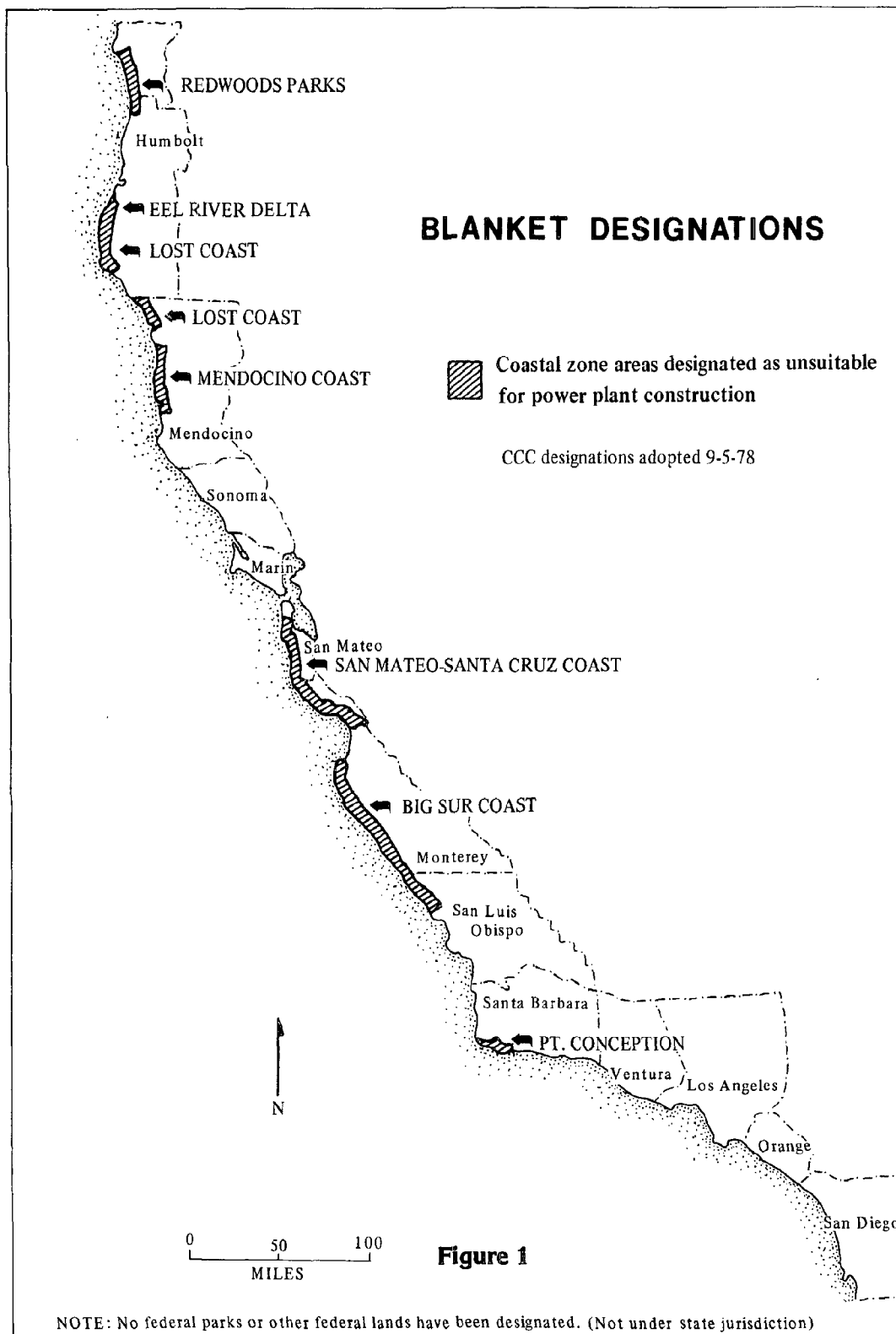
Once an area is designated, the Energy Commission cannot approve a new power plant site in that area without Coastal Commission approval. The designations give the electric utilities clear direction at the planning stage as to where coastal power plants are not appropriate under Coastal Act policies. The Coastal Act encourages expansion of existing power plant sites if additional generating capacity is necessary, thus protecting currently undeveloped coastal areas. In fact, the designations cannot preclude "reasonable expansion" of the nineteen existing coastal power plants. The Energy Commission staff recently completed a study on the feasibility of expanding the nineteen coastal power plants which concluded that the Coastal Commission power plant designations do not preclude expansion at any of the existing coastal power plant sites.

#### Power Plant Siting Proceedings

In those areas of the coast that the Commission does not designate, a power plant may be built without Coastal Commission approval. However, an area not recommended for designation may nonetheless contain valuable coastal resources. The Commission can protect these areas from any adverse effects of power plants through participation in the Energy Commission proceedings. Section 30413(d) of the Coastal Act requires the Commission to provide an extensive report to the Energy Commission on any coastal zone site proposed to be used for a thermal power plant or transmission lines. This report must include proposed modifications that should be made to the proposed site and power plant that would mitigate any potential adverse effects on coastal resources. Section 25523 of the Public Resources Code requires the Energy Commission to include in its decision on any coastal site the provisions recommended by the Coastal Commission in its report, unless the Energy Commission finds those provisions are not feasible or would result in greater environmental damage.

#### Relation to Local Planning and Regulation

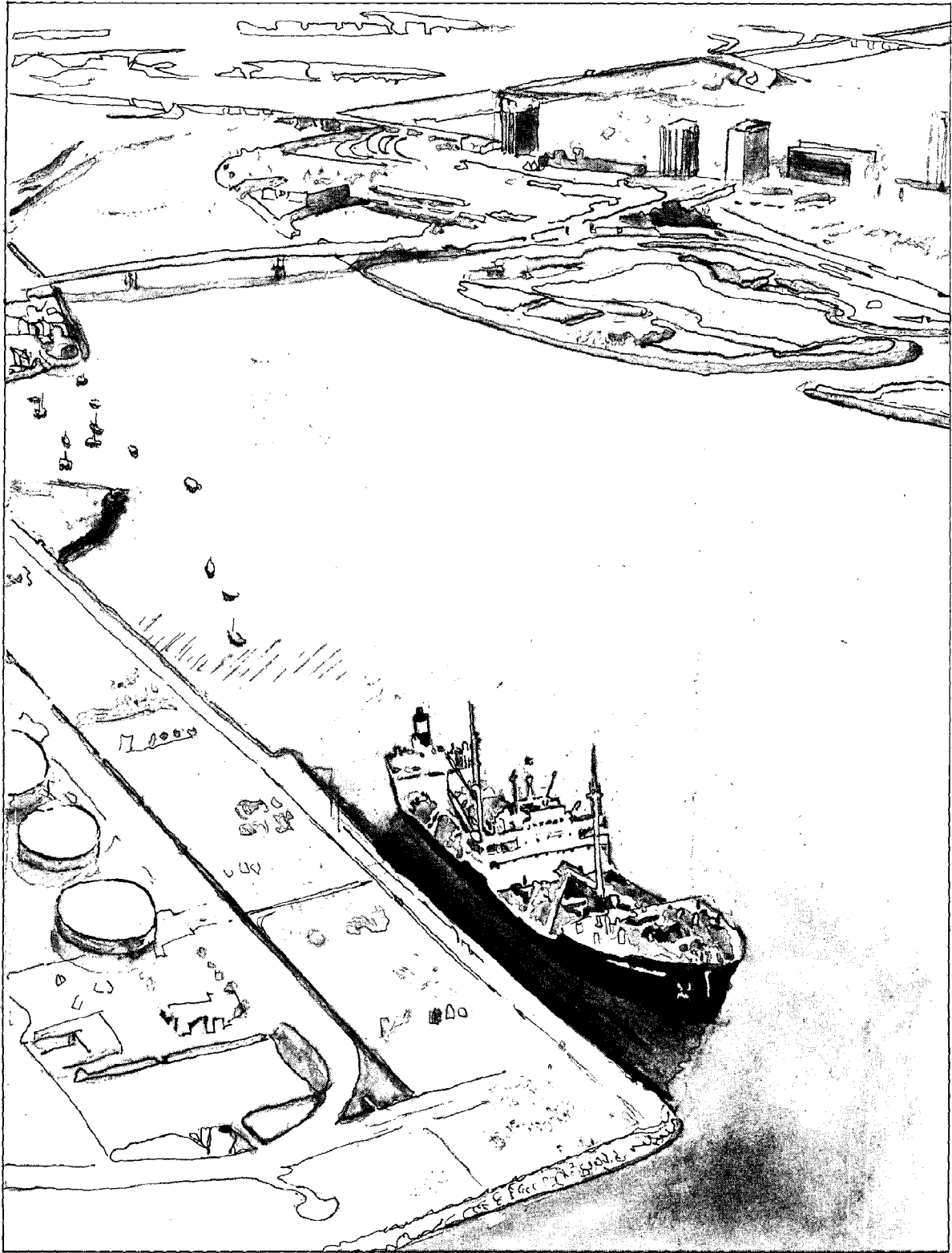
Although they do not have direct permit authority over thermal power plants exceeding 50 megawatts in generating capacity, local governments can affect State decisions on power plant siting within their jurisdictions to a certain extent. Local governments can recommend to the Coastal Commission sites for inclusion in the protected designated areas. The Coastal Commission then determines during its biennial revision if such areas warrant protection



from power plant siting according to the established designation criteria. If a new or expanded power plant is proposed in an area, the affected local government can participate as an intervenor in the Energy Commission proceedings to evaluate the project. Compensation for such participation is available from the Energy Commission.

A Local Coastal Program (LCP) also can contain policies to guide development in areas adjacent to existing power plants. Similar to the constraints

imposed on Commission designations around existing sites, the land use designations contained in the LCP cannot preclude reasonable expansion around existing power plant sites. Thus, permanent structures which may interfere with future expansion of the facility would not be appropriate permitted uses. The LCP can include policies to protect adjacent wetlands and sensitive habitat areas in accordance with the Coastal Act.



## **CHAPTER 2**

### **PORT MASTER PLANS**

In the same manner that certified Local Coastal Programs govern land and water uses in the coastal zone for 68 coastal cities and counties, certified Port Master Plans govern such coastal activities within the four established commercial port districts—the Ports of Hueneme, Long Beach, and Los Angeles, and the San Diego Unified Port District. Many energy facilities are located within these port districts. The Port of Hueneme, for example, serves as the major service and supply base for offshore energy development in the Santa Barbara Channel. Long Beach and Los Angeles Ports contain large tanker terminals for offloading foreign and domestic oil which is refined in the area. Case Studies 1, 3, and 4, discussed in Chapter 5, describe facilities located within ports. Considering the number and intensity of energy-related activities in the ports, it is important to understand how energy projects in these jurisdictions are handled.

#### **Port Plan Certification**

The Coastal Commission must certify Port Master Plans submitted by each of the four ports if it finds that the plans adequately carry out the policies of Chapter 8 of the Coastal Act, which provides specific policies applicable only to ports. An example of a

Chapter 8 policy is Section 30707, which provides specific standards for the design and construction of new and expanded tanker terminals. These standards include minimizing oil spillage and risk of collision, providing access to the most effective oil spill containment and recovery equipment, and possessing onshore deballasting facilities to receive fouled ballast water. Port decisions on some projects can be appealed to the Coastal Commission after the port plan has been certified. In considering these appeals, the Coastal Commission must apply the general coastal management policies of Chapter 3 in addition to those of Chapter 8. The Commission has certified all four port master plans, except for a few specific areas and issues where additional planning is underway. These uncertified areas will be resubmitted to the Commission for approval as amendments to the certified port master plans. Until then, the Commission retains primary permit authority over the uncertified portions of the port plans. In certified areas of the ports, all development approved by the port governing boards must conform with the certified plan.

#### **Appeals**

In certified areas, the Commission retains appeal authority over certain projects described in Section 30715 of the Coastal Act. Included are the following specific types of energy facilities and activities: (1) developments for the storage, transmission and processing of liquefied natural gas and crude oil in quantities which would significantly impact State

### **PORT RISK MANAGEMENT PLANS**

Safety and risk management are important considerations in large ports where hazardous materials are handled regularly. Therefore, the Commission has required the development of risk management plans as a condition of certification of port master plans for hazardous liquid cargo facilities in the Ports of Los Angeles and Long Beach.

In response to this requirement, these two ports, with the support of the Commission, have developed plans for reducing risks within San Pedro Bay and safety siting criteria for evaluating future hazardous cargo and other vulnerable facilities. Risks associated with fires and explosions, toxic gases, and hazards presented to people and property in and around the ports have been analyzed through simulated accidents. The ports also have developed implementation programs as part of their risk management plans, which include safety standards and new regulations, procedures, and contingency plans for risk management and energy project permit evaluations. Upon Commission approval, the plans will become part of the certified port master plans.

and national oil and gas supplies; (2) oil refineries; and (3) petrochemical production plants.

### **Relation to Local Planning and Regulation**

Generally only those local jurisdictions adjacent to the four ports will be affected by the certified port master plans. It is important, however, for these jurisdictions to be acquainted with the port plans and to take them into account in their LCPs and permit procedures. For example, areas delineated in certified port maps\* as wetlands, estuaries, or existing recreation areas are administered through the affected

local government's LCP.

In addition, it is common for energy projects to affect both port and city or county jurisdictions. For example, a port may plan to construct a major coal export terminal that would require a coal slurry pipeline to be located in an adjacent city or county. To assure that such a proposal is accommodated in the local jurisdiction's LCP, both the jurisdiction and the adjacent port must become familiar with the allowable uses in the certified port master plan and LCP respectively.

\*Copies of these maps showing port boundaries are available for the cost of reproduction from the Coastal Commission's San Francisco office.



## CHAPTER 3

### LOCAL COASTAL PROGRAMS

An LCP, as defined by the Coastal Act, includes a local government's Land Use Plan (LUP), zoning ordinances, zoning district maps and, where required, other implementing actions applicable to the coastal zone. Local governments are required to *consider* anticipated major energy facilities in the preparation of their LCPs. "Consider," however, does not mean "accommodate." There are four basic steps which each local government follows to formulate policies for areas in its LUP where there is existing or anticipated energy development:

- inventory the existing energy and industrial facility sites in the local coastal zone;
- compile a list of anticipated projects with Coastal Commission, energy industry and energy agency help;
- determine, using Coastal Act policies, which existing sites are appropriate for expansion, limitation, or removal as soon as feasible; and
- develop, for new sites and unanticipated projects, a siting process to provide direction to energy companies as to where to consider and where to avoid new industrial site proposals.

Since this handbook is for local governments *with* coastal development permit authority, it is assumed that their certified LCPs include land use plans and implementing ordinances adequate for addressing new and expanding coastal energy developments consistent with Coastal Act policies. This chapter discusses different LCP planning approaches taken by several local governments, the prevalent problem encountered in energy planning, and the process for amending LCPs to handle future energy needs that cannot be currently anticipated.

#### Different Planning Approaches

Generally, in areas where energy facilities already exist, local governments have included comprehensive energy policies and regulations in their LCPs. These policies provide specific direction for future energy facility siting. In areas where there is little or no existing energy or industrial facilities of any kind, the LCPs generally do not contain the level of detail or guidance as those for developed areas. This is to be expected.

The **City of Huntington Beach** LUP, which allows onshore oil and gas drilling in its resource production land use designation, established a siting priority for new oil-related uses within this designation. New oil and gas facilities must be sited according to the following priority: (1) within existing consolidated islands, (2) within new consolidated islands, (3) on existing oil parcels, (4) on new parcels outside the coastal zone, and (5) on new parcels within the coastal zone. The LUP also designates where energy facilities cannot continue as the future land use by placing an overlay over a particular existing oil production area to designate the permitted future use of this area as visitor-serving. Such an overlay shows where oil production is allowed to take place through depletion of the underground reservoir, but indicates that the energy facilities in this area are inappropriate for continued use or expansion. The City's Oil Code and Oil District provide performance standard criteria for facilities in various zoning designations and are the means for evaluating permit applications in detail.

**San Luis Obispo County** uses a performance standard approach in its LUP and applies three different levels of review before a project is approved depending on the type of facility or activity and its location. The more comprehensive the review level required, the more detailed the information requirements of the applicant and the more stringent the development standards applied to the project.

The **Santa Barbara County** LUP developed a new coastal-dependent industry designation for all existing energy facility sites. All energy-related activities are principally permitted uses in these designated areas, except thermal power plants and liquefied natural gas (LNG) terminals which are preempted from local government jurisdiction, and high voltage transmission lines which are conditionally permitted in these areas. The same energy-related activities may be conditionally permitted uses in other land use designations. The conditional use permit is discretionary and projects can be denied if they do not meet applicable development standards or are inappropriate with the land use designations. The conditional use permit provides somewhat more flexibility for an area where energy and industrial facilities may be appropriate, but where a particular facility development plan is not yet precise enough to evaluate it for conformity with the policies of the LUP. The matrix in Figure 2, which is included in the Santa Barbara County LUP, is an excellent way to clearly show which energy facilities are allowable in particular land use designations.



PRINCIPAL LAND USE CLASSIFICATIONS													OVERLAY DESIGNATIONS	
ENERGY RELATED ACTIVITIES	Agriculture		Mountainous Areas and Open Lands	All Commercial	Rural Residential	All Other Residential	Coastal Dependent Industrial	All Other Industrial	Community Facilities	Recreation	Habitat Areas	View Corridor		
	I	II												
1. Exploratory wells	P		CUP		CUP		P	CUP			CUP	CUP		
2. Onshore oil development, including wells, pipelines, storage tanks, processing facilities, and truck terminals	P		CUP		CUP		P	CUP			CUP	CUP		
3. Processing facilities for offshore oil development, including marine terminals							P					CUP		
4. Thermal power plants <sup>1</sup>														
5. LNG Terminal <sup>1</sup>														
6. Pipelines and related facilities, i.e., pump stations	P	P	P	P	P	P	P	P	P	P	CUP	CUP		
7. High voltage transmission lines	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			
8. Piers, staging areas	CUP				CUP		P					CUP		
9. Aquaculture	CUP		CUP		CUP		P	P				CUP		

<sup>1</sup>County jurisdiction over power plants and LNG terminals has been preempted.

**KEY**  
P = permitted use as long as all standards set forth in land use plan policies are met  
CUP = requires conditional use permit

Source: Santa Barbara County LUP

Figure 2

Figure 2

Source: Santa Barbara County LUP

**Humboldt County**, a frontier area for OCS development and attendant support facilities, has handled the uncertainty of future energy and industrial development plans in an innovative way in its Humboldt Bay Area Plan. Similar to Huntington Beach, it has established a priority system for ranking sites among the industrial land use designation which applicants must follow. A Priority "2" site cannot be used until the infeasibility of using a Priority "1" site is shown (see Inset).

In areas with no existing energy or other industrial facilities and where little or none is anticipated at the time of LCP preparation and certification, the LUPs generally designate these land areas for uses other than coastal-dependent industrial and energy facilities. Furthermore, they generally do not contain standards, as found in the San Luis Obispo County LUP, for evaluating future proposals. However, it is particularly important for LCPs in such areas to include provisions to analyze and process plans for unanticipated energy development. If the LCP does not include such provisions, a special section of the Coastal Act (Section 30515) provides a mechanism for review of major, unanticipated energy projects, which is discussed below.

### **The Problem of Anticipating Energy Development**

The Coastal Act requires local governments to consider *anticipated* major energy facilities while preparing their LCPs. The planning approaches outlined above are for determining where and what kinds of energy facilities will be needed along the

coast. In the ideal world, through comprehensive planning of the entire coastal zone, energy companies would know exactly where they should propose to locate any type of facility and local governments would know what facilities have to be considered. Unfortunately, it appears unlikely that energy companies are able to anticipate what facilities might be proposed any further than two or three years in the future. The companies involved in Outer Continental Shelf (OCS) exploration and development, for example, repeatedly state that it is difficult to determine the types and location of facilities which are needed onshore before offshore tracts are leased and explored. Under these circumstances, local governments cannot be expected to plan for energy facilities, particularly in areas where little or no industry currently exists. Such is the case for northern California cities and counties potentially affected by a series of frontier OCS lease sales off their coastlines.

### **Partial Solution: The Special LCP Amendment**

To deal with this uncertainty and to provide for an energy facility siting process, the Coastal Act contains a special amendment provision for major energy projects (Section 30515). This amendment process can be used only when an energy project is proposed which meets a public need of more than local importance and could not have been anticipated at the time the LCP was certified. An energy company proposing such a project must first request the local government to amend its certified LCP.

#### **HUMBOLDT COUNTY PRIORITY RANKING FOR COASTAL-DEPENDENT OR COASTAL-RELATED USES**

Alternative sites shall be rated according to the following priorities:

**Priority 1 Sites:** Sites with existing facilities suitable, with minor alteration, to accommodate the proposed use, or that could accommodate the proposed use through expansion.

**Priority 2 Sites:** Sites requiring the construction of new facilities which do not convert wetlands. Preferred sites within this category are those requiring the least site alteration (e.g., dredging, grading, habitat modification).

**Priority 3 Sites:** Sites where the proposed use would require conversion of wetlands.

**Priority 4 Sites:** Sites requiring dredging of a new deep water channel.

The proposed use shall be located on a site with the lowest priority rating (i.e., Priority 1 is the lowest). A Priority 3 or 4 site shall be used only if the following findings can be made: that the proposed use cannot feasibly be accommodated in a Priority 1 or 2 site or use of Priority 1 or 2 sites would be more environmentally damaging; to do otherwise would adversely affect the public welfare; and adverse environmental effects are mitigated to the maximum extent feasible.

Source: Humboldt County Industrial Siting Study, Coastal Energy Impact Program.

The standard of review for amendments to LCPs are the policies of Chapter 3 of the Coastal Act. If the local government refuses to submit an amendment to its LCP for Commission action, the company itself can request the Commission to do so. Thus the company, as well as the local government, may initiate an amendment process. This is one of only two cases where an LCP can be amended without local government concurrence. The other pertains to public works projects.

## Evaluating LCP Amendments

The Coastal Commission will evaluate LCP amendment requests for qualifying energy projects using the three-step process described below (see Figure 3). The Commission has used this process to evaluate permits and appeals before LCP certification and to evaluate OCS consistency reviews. After LCP certification, the Commission will continue to apply this process to LCP energy amendments and permits under its primary permit authority. Under this three-step process, all energy projects must meet the policies of Chapter 3 of the Coastal Act, Sections 30200 through 30264.

**STEP 1:** Does the proposed project carry out the policies of Chapter 3 contained in Sections 30200 through 30255 of the Coastal Act? Can conditions be imposed on the project to bring it into conformance with these policies? If so, then the project can be approved. If not, the evaluation continues to Step 2.

**STEP 2:** Can the project be considered a coastal-dependent use? Coastal-dependent development or use is that "which requires a site on, or adjacent to the sea to be able to function at all" (Section 30101). Ports, commercial fishing facilities, offshore oil and gas development, and mariculture are specifically mentioned in the Coastal Act as coastal-dependent (Sections 30001.2; 30411), although not all activities or facilities associated with such developments would be considered coastal-dependent uses. Coastal-dependent developments are given priority over other developments on or near the shoreline (30255), except for agriculture which is treated equally (30222). If the project does not meet the coastal-dependent criterion, then it must be denied. If it is considered coastal-dependent industrial development, then the evaluation proceeds to Step 3.

**STEP 3:** Can the project meet the three tests of Section 30260? A special provision of the Act, Section 30260, allows additional consideration of coastal-dependent industrial facilities if they fail to meet the other policies of Chapter 3. Under this section, a coastal-dependent industrial facility must meet three tests in order to be permitted: (1) there must be no *feasible*\* less environmentally damaging location for the project, (2) it must not adversely affect the public welfare, and (3) adverse environmental effects must be mitigated to the maximum extent feasible. If the project fails to meet these tests, the project must be denied. If the project meets the three tests, it may be approved.

## Improving Planning Decisions

Most LUPs and local ordinances impose requirements for information which the applicant must submit as part of the permit application. These requirements and the Commission's own permit requirements also apply to the LCP amendment requests for energy facilities. The following information should be provided to determine whether Coastal Act policies are addressed in a proposed project

- A plot plan of the entire area under lease or ownership, showing the relationship of proposed facilities (e.g., location of well(s)) to ultimate potential development
- A topographic map in sufficient detail showing the relationship of proposed facilities to other buildings, structures, and/or natural or artificial features, including sensitive habitats, prime agricultural lands, recreational areas, scenic resources and archaeologically sensitive areas within 1,000 feet of the facility(ies). (See *Coastal Commission Interpretive Guidelines on Wetlands* for specific requirements.)
- A plan for the consolidation of facilities.
- A phasing plan for the staging of development which indicates the anticipated timetable for project installation, completion, and decommissioning.

\*The key word is *feasible*, which means *able to be accomplished within a reasonable period of time, taking into account economic, environmental, social, and technological factors* (Section 30108).

## EVALUATION PROCESS FOR LCP AMENDMENTS

1. Is project consistent with and does it carry out Sections 30200 - 30255 of Chapter 3?

YES

**APPROVAL**

NO

2. Is project coastal-dependent?

YES

NO

**DENIAL**

3. Is project coastal-dependent industrial facility as described in Sections 30260—30264? May be permitted if it meets Sections 30261 and 30262 and the following three tests of 30260:

- A. Alternative locations are infeasible or more environmentally damaging
- B. To do otherwise would adversely affect public welfare
- C. Adverse environmental effects are mitigated to the maximum extent feasible

YES

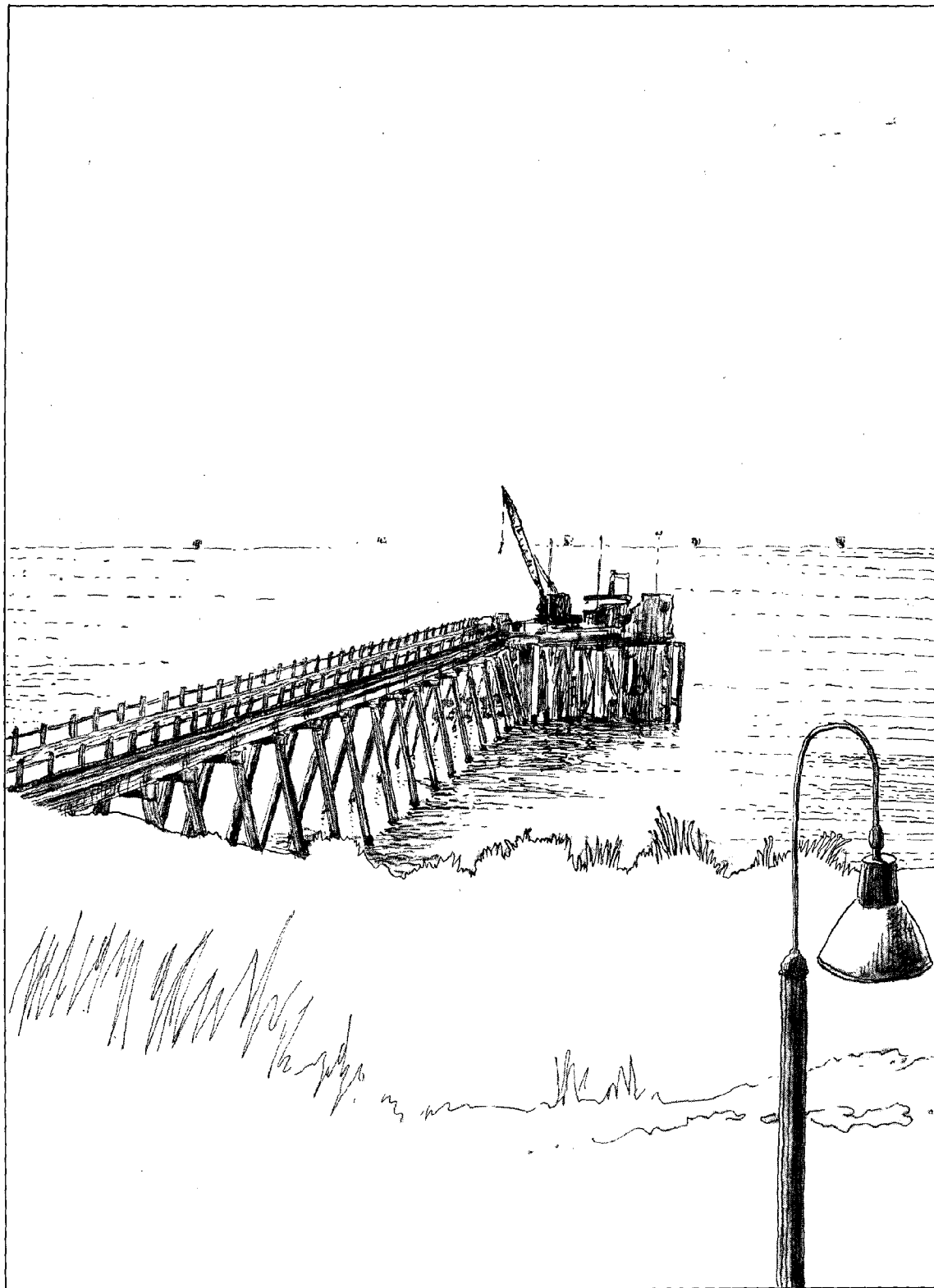
NO

**APPROVAL**

**DENIAL**

**Figure 3**

- A plan for eliminating or substantially mitigating adverse impacts on habitat areas, prime agricultural lands, recreational areas, scenic resources, archaeologically sensitive sites and neighboring residents due to siting, construction or operation of facilities.
- Plans and profiles of any major grading required for construction and production of the facility showing pre-project and post-project elevations and the amount and location of fill needed.
- An analysis of the visibility of proposed facilities from offsite public viewing areas and a landscape plan to minimize this visibility. Such landscape plans should include the methods to be used for screening energy facilities, such as fencing, plants, depression below grade, or other techniques.
- A summary description of the procedures for the transport and disposal of all solid and liquid wastes.
- An oil spill contingency plan indicating sources, flow patterns, location and type of cleanup equipment, designation of responsibility for cleanup, disposition of wastes, and reporting of incidents.
- A description of fire prevention procedures.
- Evidence of compliance with applicable air quality regulations.
- Local infrastructure, such as water, sewer, fire protection, and road capacity, required to service project needs.
- Procedures for the abandonment and restoration of the site which shall indicate restored contours of the land, topsoil replacement and revegetation upon abandonment, unless abandonment-in-place is determined to be less environmentally damaging.



## CHAPTER 4

### COASTAL DEVELOPMENT PERMITS

The previous chapter discussed the planning and zoning tools available to local government via the LCP. This chapter reviews the coastal development permit authority available to local government once its planning and zoning framework is in place. In addition, it describes specific energy facilities and activities which will come under local permit authority as well as which ones will not, and those energy facilities where permit jurisdiction will most likely be shared by the local government and the Coastal Commission.

Basically, there are three types of coastal development permit authority:

- where local government has primary permit authority;
- where the Coastal Commission has primary permit authority; and
- where the Coastal Commission has permit appeal authority.

After LCP certification, local government will exercise primary coastal development permit authority over most development in the coastal zone, even over certain developments not otherwise under its general permit and planning jurisdiction. For example, proposed onshore pipelines of any kind in the coastal zone are "developments" under the Coastal Act and would require a coastal development permit from a local government after LCP certification, even if the local government does not have or assert jurisdiction over similar developments in its jurisdiction outside the coastal zone. *The standard of review for evaluating such coastal development is the local government's LCP.*

Certain projects acted on by the local government are subject to appeal before the Coastal Commission. As the following chart shows, projects that can be appealed are defined in terms of geographic areas and topical areas, such as any energy facility costing over \$50,000. *The standard of review used by the Commission to evaluate projects submitted on appeal is, again, the local government's LCP.*

The Coastal Commission retains primary permit authority for development proposed to be located in water areas in the coastal zone, including any tide

lands or submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone (Section 30519(b)). The water area of the coastal zone extends from the mean high tide line out to sea three nautical miles and also includes a three-mile limit around offshore rocks and islands. As with its appeal jurisdiction, the Commission's primary permit authority is defined geographically. Oil and gas drilling and production in state waters—from the shoreline out to three miles—requires a coastal development permit directly from the Coastal Commission. Unlike the local government's primary permit authority or the Commission's permit appeal authority, *the standard of review for any development which comes under the Commission's primary permit authority is Chapter 3 of the Coastal Act.* The Commission most likely will use the LCP for the area where the development is proposed as a guide on local development policies.

Permit authority of local government and the Commission can overlap when a development occurs in both primary permit jurisdictions. Such is the case for energy-related facilities which are onshore (generally in a local government's permit jurisdiction) but which also extend seaward of the mean high tide line in, on, or over the water (in the Commission's primary permit jurisdiction). Such developments include energy facilities such as marine terminals, piers, and pipelines. In these cases, the local government regulates that portion of the facility located in its permit jurisdiction, and the Commission regulates, in a separate action, that portion of the project located in its permit jurisdiction. Therefore, two coastal development permits are required for these types of energy developments.

For example, in considering a proposed marine terminal facility, the Coastal Commission has permit authority over all terminal facilities in the coastal zone before LCP certification. After the local government's LCP is certified, an applicant applies to the local government for a coastal development permit for those facilities located within its coastal zone and to the Coastal Commission for portions of those facilities located within the Commission's primary permit authority. If the terminal facilities proposed to the local government are a designated use in the LCP, the permit review process provided in the LCP implementing ordinances is conducted. If the facilities are not proposed as a designated use, the LCP amendment process is applied.

State environmental review is conducted under the guidelines set forth in the State Permit Streamlining Act (AB884) (see Appendix C). In general,

COASTAL DEVELOPMENT PERMIT AUTHORITY		
Jurisdiction	Pre LCP Certification	Post LCP Certification
Local Government Primary Authority	General Plan Permits	Coastal Development Permits over onshore development in coastal zone, except development in tidelands, open coastal waters, submerged lands, and public trust lands. <i>Standard of Review: LCP</i>
Coastal Commission Primary Authority	Coastal Development Permits <i>Standard of Review: Chapter 3, 1976 Coastal Act</i>	Development in open coastal waters, tidelands, submerged lands, and public trust lands. <i>Standard of Review: Chapter 3, 1976 Coastal Act, with guidance from LCP</i>
Coastal Commission Appeal Authority from Local Government		<ol style="list-style-type: none"> <li>1. Developments between sea and first public road paralleling the sea, or within 300 feet of inland extent of any beach, or of the sea where there is no beach, whichever is the greatest distance.*</li> <li>2. Developments within 100 feet of any wetland estuary, stream, or within 300 feet or the top of seaward face of any coastal bluff.</li> <li>3. Any development approved in a coastal county that is not designated as the principal permitted use under certified local zoning ordinance or zoning district map.</li> <li>4. Any energy facility costing over \$50,000.00. <i>Standard of Review of 1: LCP and Chapter 3 Public Access and Recreation Policies</i> <i>Standard of Review of 2, 3, 4: LCP</i></li> </ol>
<p>* The grounds for appeal pursuant to (1) shall be limited to: (a) development fails to provide adequate physical access of public or private commercial use or interferes with such uses; (b) development fails to protect public views from any public road or from a recreational area to and along the coast; (c) development is not compatible with the established physical scale of the area; (d) development may significantly alter existing natural landforms; and (e) development does not comply with shoreline erosion and geologic setback requirements.</p>		



under these guidelines, the agency with the most comprehensive permit authority over the project is designated the "lead agency" for the Environmental Impact Report (EIR), with other permit agencies becoming "responsible agencies."

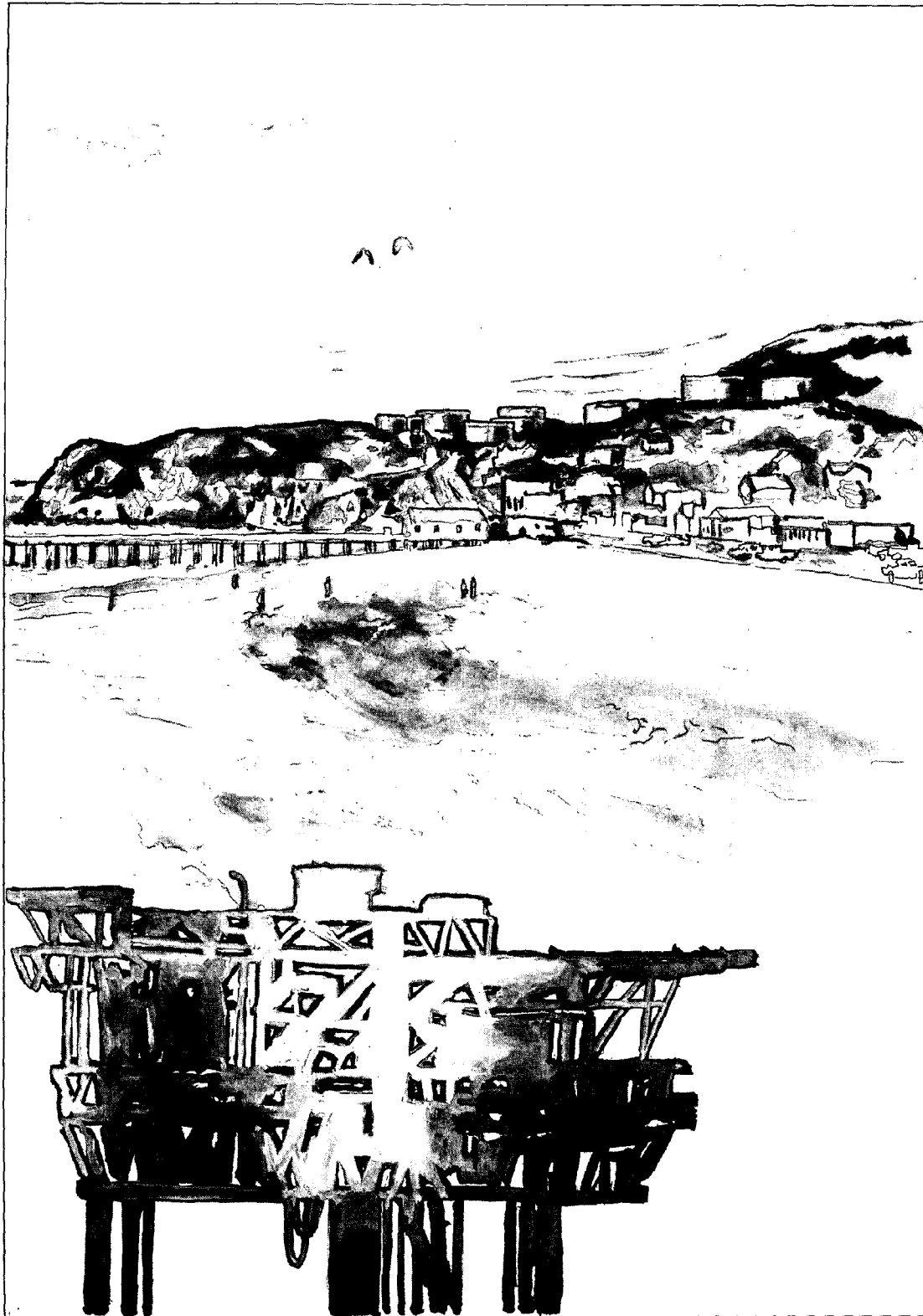
Multiple agency review over other types of energy facilities also occurs. As in the pipeline example mentioned earlier, the California Public Utilities Commission or Federal Energy Regulatory Commission is also involved if the pipeline is a public utility or a common carrier pipeline. Privately owned pipelines require only the regular land use and environmental permits, generally those from local governments.

As with pipelines, all electric transmission lines proposed for the coastal zone are considered "developments" under the Coastal Act and the local government would have coastal development permit review over them. The only exception would be electric transmission lines proposed as part of a new

electric power plant being reviewed by the California Energy Commission. The Warren-Alquist Energy Resources Conservation and Development Act of 1975 exempts new power plants with capacity greater than 50 megawatts and electric transmission lines connecting such plants to the existing electricity transmission system from local government permit authority, and the Coastal Act exempts them from Coastal Commission permit authority (Section 30264).

Because permit jurisdictions are defined by geographic area, to specify what types of energy facilities would come under local government or Commission jurisdiction is comparable to mixing apples with oranges. Nevertheless, the chart on the following page shows a breakdown of energy facilities by permit jurisdiction. The information is for general illustration only. The delegated permit responsibilities must be decided in individual permit applications based on consultation with the Commission.

ILLUSTRATION OF PROBABLE PERMIT AUTHORITY				
ENERGY FACILITIES/ACTIVITIES <sup>1</sup>	LOCAL PRIMARY PERMIT		COMMISSION PRIMARY PERMIT	
	BOTH LOCAL/COASTAL COMMISSION PERMITS			
Onshore oil and gas exploration and production, including wells, storage tanks, processing facilities and truck terminals.	X			
Onshore pipelines	X			
Pipeline landfalls, outfalls				X
Onshore processing facilities for offshore oil	X			
Marine terminals				X
Piers				X
Onshore staging area (excluding piers)	X			
Oil and gas exploration and production in State waters			X	
Thermal power plants <sup>2</sup>				
Electric transmission lines	X			
Liquefied natural gas terminal <sup>3</sup>				
<sup>1</sup> All projects costing over \$50,000 can be appealed to the Commission <sup>2</sup> Energy Commission permit authority <sup>3</sup> Public Utilities Commission permit authority				



## CHAPTER 5

### COASTAL DEVELOPMENT PERMIT CASE STUDIES

This chapter describes the Coastal Commission's actions on nine coastal development permits related to oil and gas development. The chapter begins with three case studies related to pipelines:

- an offshore-to-onshore pipeline, carrying OCS produced oil to onshore facilities, which raised the issues of consolidation and oil spill protection;
- an onshore pipeline for processed oil, which raised concern over pipeline routing, site restoration and provision for public access; and
- an onshore pipeline connected to a port marine terminal, which involved vessel traffic safety, oil spill protection, and consolidation related to the terminal.

From pipelines the case studies move to:

- the upgrading of a marine terminal subject only to Chapter 8 policies related to port development; and
- the expansion of an oil and gas processing facility, which raised concern over land use compatibility, oil spill protection, and air pollutant emissions.

Finally, the chapter covers four case studies dealing with oil and gas drilling and production:

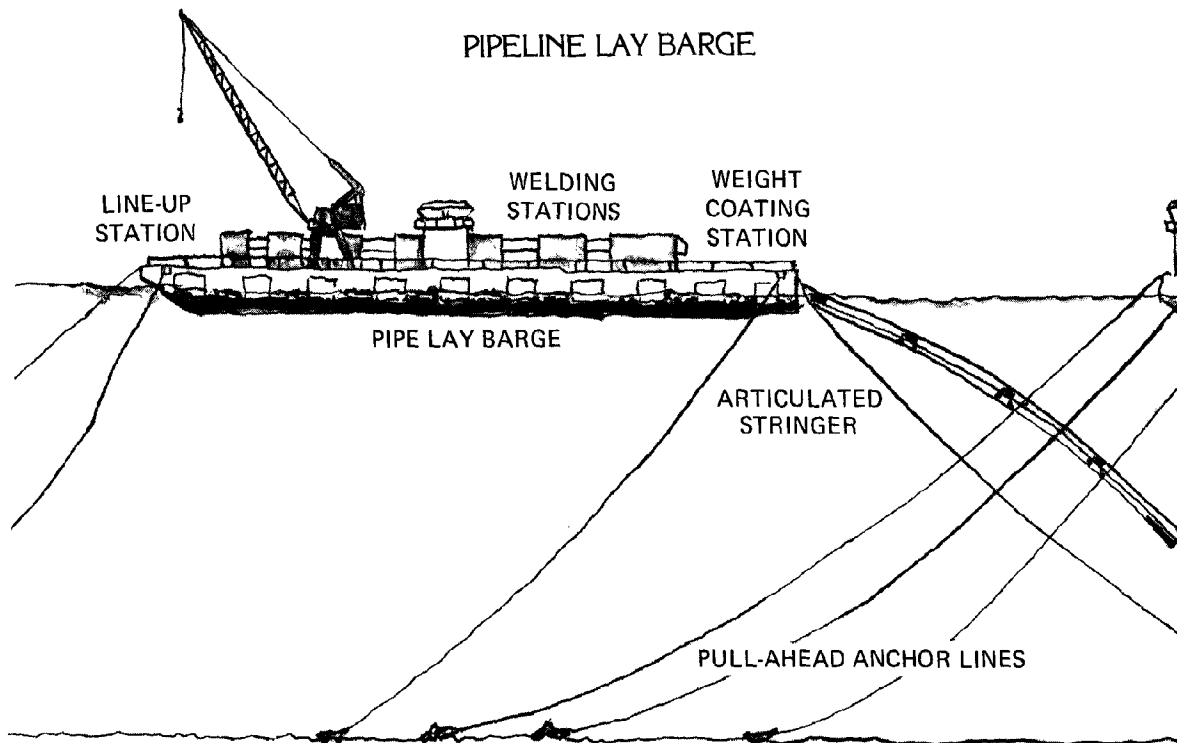
- exploratory drilling in an onshore pristine area, which raised concern over agricultural productivity, geologic hazards, and proximity to sensitive habitat areas;
- drilling and production in an urban area, which raised the issues of noise abatement and abandonment and restoration of outmoded facilities;
- drilling and production within an environmentally sensitive habitat area; and
- exploratory drilling offshore in State waters,

which raised issues of oil spillage, proximity to environmentally sensitive habitats, and cumulative development impacts.

As mentioned in the Introduction, onshore facilities are closely tied to offshore energy activities as the first five case studies illustrate. Local governments must be aware, then, of the total development picture.

Moreover, enormous differences exist among energy facilities and their attendant impacts. A gas processing plant presents different problems from a tank farm; linear development, such as pipelines or electrical transmission lines, display different characteristics from facilities in single-point locations. Thus, a variety of energy facilities has been selected to demonstrate the requirements and impacts associated with different facility types and the coastal resource issues that could arise from siting these facilities in the coastal zone. Of course, there will be issues common to nearly all facilities; oil spill protection is a major one. Discussion of such common issues has been avoided under each case study, unless it has led the Commission to imposing different conditions for remedying the problem.

By no means, though, do the case studies exhaust the list of issues associated with siting, constructing or operating different types of energy facilities. Nor do they presume that the conditions required are either set in concrete or are the only appropriate conditions to be required. Rather, permit conditions should be viewed as an evolving process, something that can respond to changing technology, which, in turn, may change the siting and design requirements of an energy facility. The conditions discussed in the case studies, therefore, are merely illustrative of those which can be imposed on projects to minimize certain kinds of impacts.



#### **CASE STUDY #1: PIPELINE FROM OCS PLATFORMS TO ONSHORE FACILITIES**

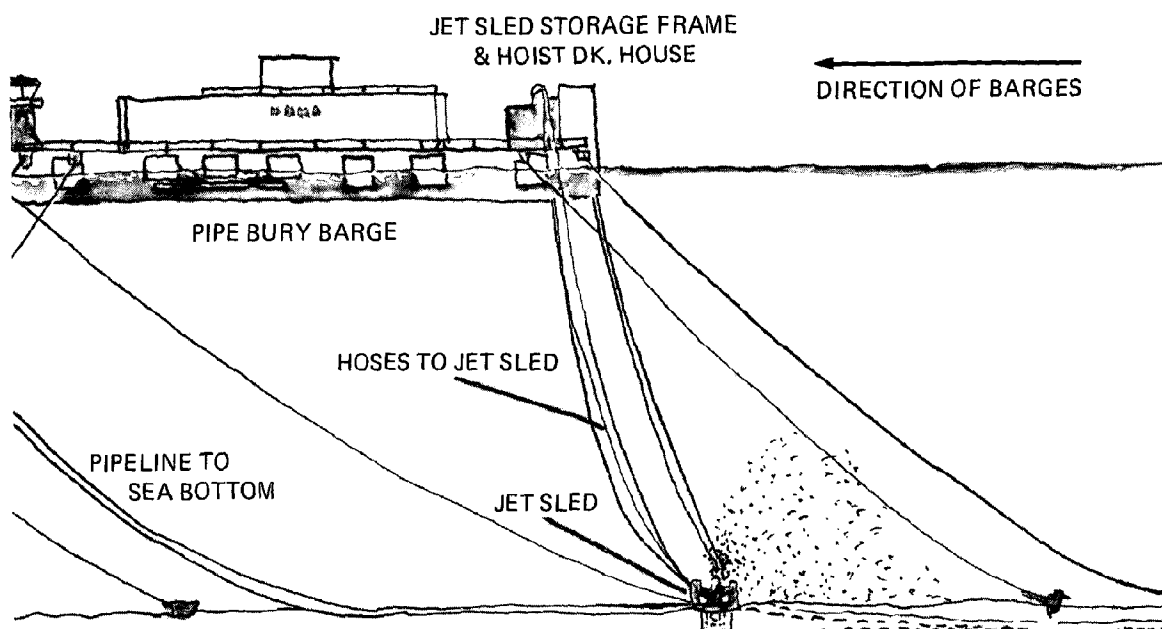
This first case study illustrates the importance of selecting a route for a pipeline which will minimize or eliminate adverse environmental impacts. Offshore, there may be conflicts routing through seismic hazardous areas or important marine biological resources, such as kelp beds, due to potential oil spillage from a pipeline. Routing through heavily used vessel anchorage areas also increases the risk of damage to pipelines which could cause oil leakage. Conditions were required in this permit to minimize these risks. The conditions include avoiding sensitive biological areas and heavily used anchorage areas; consolidating facilities at existing sites to minimize habitat disturbance from construction and operation activities; and providing effective oil spill contingency plans and containment equipment.

Because this case study involves a project entirely within a Port's jurisdiction, the local government would not be responsible for issuing a coastal development permit for this

project after LCP certification. The Coastal Commission would be responsible for that portion of the project between the Port boundary and the State three mile limit. The Port, after certification of its Risk Management Plan, would be responsible for that portion of the project within its jurisdiction.

In the spring of 1979, the Commission received a coastal development permit application for construction of a 16-inch diameter subsea pipeline from offshore production platforms to the Port of Long Beach. The pipeline would carry processed crude oil from Shell Oil Company's three OCS platforms offshore Long Beach to an existing oil distribution pipeline network in the Port, which serves nearly all the Los Angeles area refineries.

At the time of the permit application, the Port of Long Beach had not yet completed its Risk Management Plan (see pg. 7), and, consequently oil and hazardous cargo transportation projects were not permitted uses under its certified port master plan. Thus, the Commission retained primary permit review over two miles of the pipeline within the Port boundary in addition to nine miles of the pipeline



between the Port boundary and the State's three-mile limit.

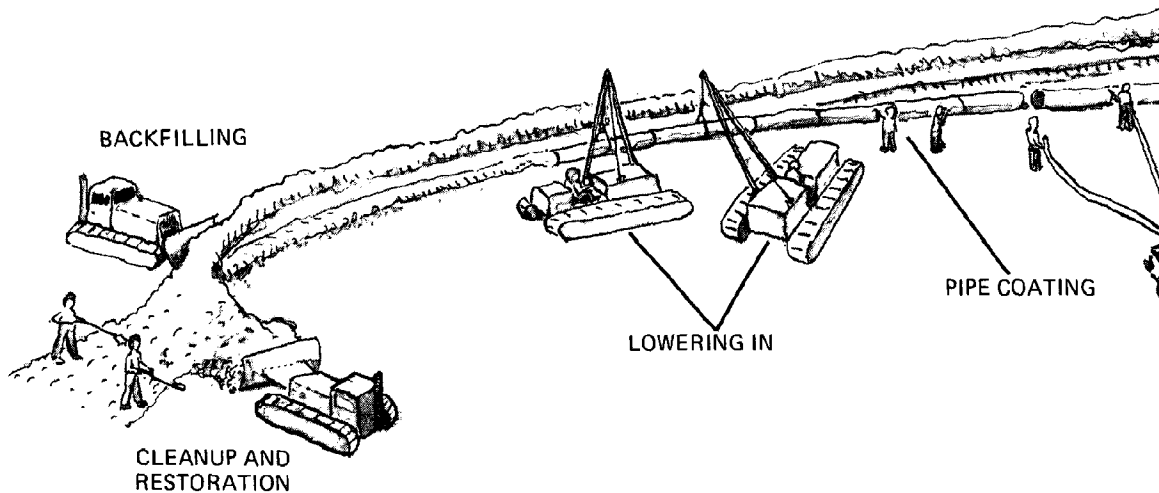
Another six miles of the pipeline would be located outside the State's three-mile boundary and under federal jurisdiction. Normally, the Commission would review this portion of the project under the federal "consistency" provisions (see Chapter 7), but Shell had applied for the project before the Commission's authority for consistency review became effective. Nonetheless, the entire development project, including the platforms and possible siting alternatives, went through extensive preliminary State agency review coordinated by the Governor's Office of Planning and Research (OPR) under the California Environmental Quality Act (CEQA) procedures. During the review, Shell responded cooperatively to early agency comments. For example, with the help of the California Department of Fish and Game, a pipeline route was selected which avoided natural and artificial offshore reefs. In response to U.S. Coast Guard and Coastal Commission staff comments, Shell agreed not to place any of the three platforms within 500 meters of the vessel traffic lanes. In addition, a crew boat launch and staging area planned for Huntington Harbor, designed for

recreational boats, was abandoned in favor of using existing facilities within the Port of Long Beach, based on Commission staff comments on the preliminary draft Environmental Impact Report (EIR).

Under the Coastal Act, coastal-dependent industrial facilities are encouraged to locate or expand within existing sites (Section 30260). The Act also requires oil and gas development to consolidate facilities (Section 30262(b)). The offshore route of the proposed pipeline, as it approached the Port land area, would parallel the existing pipeline route from the oil production islands offshore the City of Long Beach on State submerged lands. The pipeline landfall at the Port also would use an existing pipeline corridor serving drilling activities offshore Long Beach. Thus, the project would make maximum feasible use of existing corridors, minimizing subsurface disruption and concentrating activities attendant to pipeline operation and maintenance.

Moreover, the proposed pipeline could carry up to 70,000 barrels of oil a day. Because peak production from Shell's platforms is projected to be 24,000 barrels of oil per day, considerable excess capacity would be available for use by other producers in the area which would reduce the need for

## ONSHORE PIPELINE CONSTRUCTION



additional pipelines to shore. The proposed development, therefore, represented a long-term planning solution to San Pedro Bay OCS oil transportation. For these reasons, the Commission found that the project supported consolidation to the maximum extent feasible.

Because the proposed pipeline would not pass through any sensitive habitat areas and there were no existing recreational activities in the area except the Queen Mary Hotel, the Commission found that construction impacts related to pipeline installation and burial were temporary and, in this case, did not conflict with the existing uses or the long-term productivity of the affected marine environment.

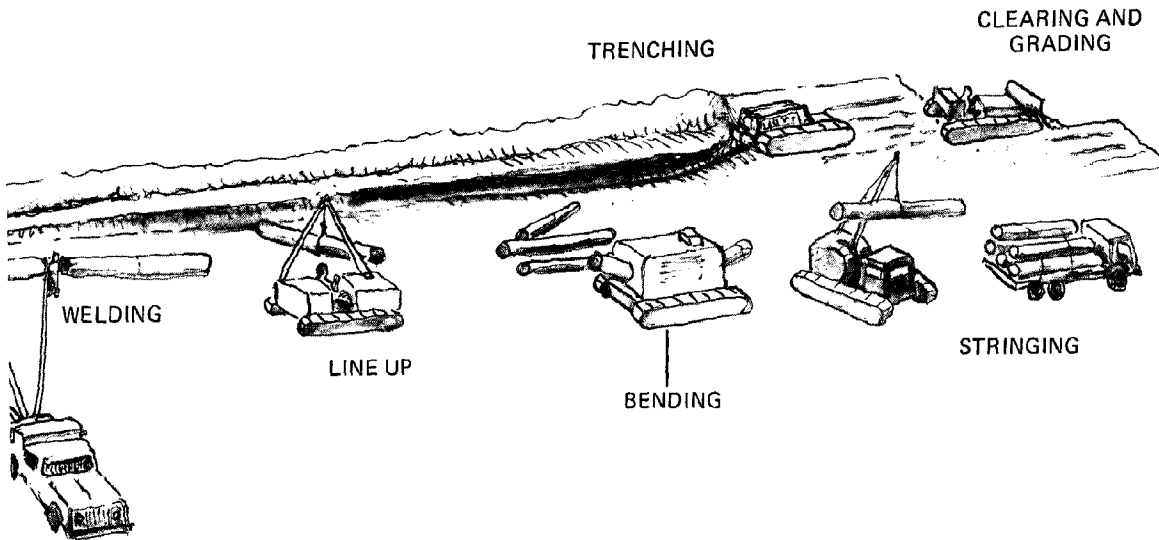
The pipeline route, however, would pass through heavily used vessel anchorage areas, a concern because many pipeline oil spills result from anchors dragging on exposed pipelines. The Commission is required to protect against oil spillage under Section 30232 of the Act; thus, the Commission required that the pipeline be buried at least ten feet through Coast Guard identified anchorage areas. The permit, as conditioned, was later amended to relocate the pipeline route away from a heavily used anchorage area to a more northerly route with minimal anchorage usage.

Shell had proposed the use of other precautions

against oil spillage. The pipeline would be buried at least four feet from the breakwater to the landfall. In addition, in the event of a pipeline leak or rupture, one of the three platforms would be equipped to immediately shut down the pumps which move the oil through the pipeline.

Shell also had an oil spill contingency plan, which provides direction for Shell personnel and the industry's area oil spill cooperative, the Southern California-Petroleum Contingency Organization (SCPCO), in the event of an oil spill. However, based on information in the project EIR that SCPCO needed more effective boom deployment capability for the mouths of the area's bays and harbors, the Commission found this plan inadequate to protect coastal resources under Section 30232. Consequently, it required that the oil spill contingency plan be revised to improve SCPCO's capability to deploy oil spill containment booms across the Alamitos Bay, Newport Beach Harbor, Anaheim Bay, and the San Gabriel and Santa Ana River mouths.

In summary, the Commission found that transportation of the oil to shore provided for significant oil spill prevention due to its advantages over tankering options. It further found that, as conditioned, the pipeline design, construction, and operation would minimize the spillage of crude oil.



## CASE STUDY #2: ONSHORE PIPELINE FOR PROCESSED OIL

Selecting a route that will minimize or eliminate adverse environmental impacts is equally important for onshore pipelines. While the Commission had approved LCP's which allow pipelines in numerous types of land use designations, environmentally sensitive habitat areas, archaeological and paleontological sites, and seismically hazardous areas must be avoided if possible. If not, then maximum mitigation of adverse impacts must be provided. This case study focuses on several conditions related to pipeline routing that can be used to assure site restoration, minimal disruption of visual and cultural resources, and dedication or easement of lands for public access. After LCP certification, the local government would have primary permit authority over this project.

As part of a larger project proposal to transport and process offshore oil and gas, Chevron USA, Inc. submitted a coastal development permit application to the South Central Coast Regional Commission for an underground ten-inch crude oil pipeline from

its Carpinteria processing facility to the Mobil Oil Company Rincon processing plant. A pipeline was proposed to eliminate future tankering of the oil. Almost six miles in length, the new pipeline would connect with existing crude oil distribution pipelines extending to the Los Angeles area refineries. The pipeline would be constructed according to applicable codes, such as the Code of Federal Regulations, and to industry standards and specifications like those of the American Petroleum Institute. Chevron planned to install a minimum of auxiliary equipment because sufficient facilities existed at both Carpinteria and Mobil Rincon. Pumps for driving the oils would be at the Carpinteria facility, with no intermediate pumps anticipated. Meters would be installed at Carpinteria and at Mobil Rincon to measure the oil throughput.

The width of the land required for the onshore pipeline would vary according to availability and clearance from obstacles such as power lines, structures, steep terrain, and underground utilities. During the construction phase, an estimated fifty foot wide working zone would be required. After construction, the right-of-way would be narrowed to twenty-five feet or less.

Chevron planned to route most of the pipeline along the Southern Pacific Railroad roadbed and the



remainder along public thoroughfares and on State or private lands. Because portions of the pipeline would cross relatively undisturbed, cultivated, or vacant land, some of which was sloped and visible to the public from the beach or highway, the project would affect coastal scenic and visual qualities (Section 30251). The Regional Commission required Chevron to restore all disturbed sites to their previous condition and approximate previous grade within three months of completing pipeline construction. All sites previously covered with native vegetation would be replanted with the same; control measures would be used to prevent erosion until vegetation could establish itself. In addition, the excavated materials would be replaced and compacted, if necessary, with none to be disposed outside of the pipeline route, except right-of-way debris, which would be deposited in a non-hazardous existing landfill site.

The exact pipeline route to be used by Chevron was subject to minor modifications due to hazards and archaeological considerations. The joint Environmental Assessment and Environmental Impact Report (EA/EIR), developed simultaneously under California Environmental Quality Act (CEQA) procedures, indicated significant archaeological resources in the project area, especially in the Carpinteria bluffs where the site of a large Native American village was found. Because the Coastal Act requires protection of archaeological resources (Section 30244), the Commission required that a Native American representative and an archaeologist be present during any further investigation along the onshore pipeline corridor. If any burial site was discovered during these investigations or during excavation, the pipeline would be rerouted to leave the site undisturbed. If safety factors prevented such rerouting, anything unearthed from the burial site would be reburied as close to the site as possible, at the expense of the applicant. Any reburial would take place under the direction of the Native American Society or the findings would be sent to the Native American Society in the affected counties.

Similarly, the EA/EIR discussed a number of geologic hazards in the area. Several faults are classified as active or potentially active and could produce ground shaking and surface rupture. Furthermore, the slopes of Rincon Mountain and the coastal bluffs had experienced, and could again experience, landslides.

During the EA/EIR stage, the Commission staff

worked with the California Division of Mines and Geology to develop permit conditions that implemented the *Guidelines for Geologic Stability of Blufftop Development*. Chevron was required to provide final grading plans and other geotechnical reports to the Commission's Executive Director and the State Geologist to ensure that the project met the requirements of Section 30253(1) and (2). Before issuing a permit, the Regional Commission also required Chevron to submit maps of the final onshore pipeline route, including cross sections of intersections with roadways, streams, and utilities and diagrams of the relationship to other features in roadway and railroad rights-of-way.

The final issue raised in selecting the pipeline route concerned public access (Section 30212). Both State and local planning programs recognized the need for lateral access in the area of the Chevron Carpinteria facility. The City of Carpinteria's General Plan indicated a bike trail to be located in this area. The Regional staff recommendation pointed out the need for an offer to dedicate the trail corridor. Such a dedication would be compatible with the scope of the project and the need for public access as shown by existing plans and patterns of public use. The proposed project could result in cumulative impacts by extending the life of the existing oil and gas processing facility and inducing similar energy and industrial facilities to locate in the area. A corresponding increase in vehicular traffic would detract from the aesthetic quality of this undeveloped area. Requiring additional public access near the bluff edge would somewhat compensate for these impacts. A bicycle path also would provide, depending on exact location, additional access to service the pipeline, a benefit to the applicant. Thus, before issuing a permit, the Regional Commission required Chevron to record an irrevocable offer to dedicate to a public agency or private association an easement for public access and recreational use.

As with most energy facilities, the Chevron onshore pipeline involved many difficult issues. The fact that Commission staff was closely involved in defining the scope of the EA/EIR enabled Coastal Act policy concerns to be addressed early in the process and several mitigation measures to be included in the EA/EIR. This reduced the time required by the Commission to process the permit. This also applies to local government, once it has assumed coastal development permit authority.

### **CASE STUDY #3: PIPELINE FROM TERMINAL TO REFINERY**

**The third case study addresses issues raised for pipeline and marine terminal facilities—air and water quality, oil spillage, and vessel traffic safety. It also demonstrates how a facility related to the project can be subject to permit condition. Requirements in this permit to minimize these impacts include relocation and consolidation of facilities at the terminal to provide better vessel traffic clearance and maneuverability; effective operational procedures for handling oil spills; periodic testing of terminal personnel on implementing such procedures; and access for terminal facility inspection.**

**This case study also involves a project straddling an LCP boundary and a Port boundary. Policies in both Chapters 3 and 8 of the Coastal Act apply. After LCP certification, the local government would have primary authority over that portion of the project within its LCP boundary and the Port, after certification of its Risk Management Plan, would have primary authority over that portion within its boundary.**

The project, proposed by Shell Oil Company, was a 42-inch pipeline for transporting waterborne crude oil and semi-refined oil supplies from Berth 118 at Pier E in the Port of Long Beach to Shell and Atlantic Richfield Company (ARCO) refineries in Los Angeles County. About five miles long, the pipeline would cross Cerritos Channel in a 15-foot deep subterranean trench, which would be dredged to -80 feet MLLW (mean-low-low-water) and backfilled to approximately -65 feet MLLW after placement of the pipe. The capacity of the new pipeline would be large enough to allow Shell to transfer existing crude oil operations from Mormon Island in the Port of Los Angeles to Pier E in the Port of Long Beach, and to share ARCO's existing marine terminal there. The project would reduce the number of tanker visits and total tanker time in port because the proposed pipeline would have the capability of offloading the same amount of oil faster than tankers.

In March 1977, the staff recommended that the Commission deny the proposed pipeline, citing its inconsistency with State air quality requirements and its nonconformance with port planning. Before the Commission acted on the recommendation,

Shell requested that the application be removed from consideration pending resolution of the issues. The company met with the California Air Resources Board (ARB) to consider alternatives for meeting the agency's regulations. Meanwhile, the Port of Long Beach discussed with Commission staff the possibility of constructing a new marine oil terminal in the Back Channel to which the new pipeline would be connected. Given the resolution of the air quality and port planning issues, Shell then requested that the Commission act on its application.

There were several advantages and disadvantages associated with the proposal which the Commission had to weigh in conjunction with applicable Coastal Act policies. The first disadvantage was the air quality emission problem and the project's inconsistency with State air quality regulations. Section 30253(3) of the Act requires any coastal development permit to be "consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development." The applicant agreed with an ARB requirement to make construction contingent on a completed New Source Review by the South Coast Air Quality Management District and on all requirements of the District and the ARB.

The major advantage of the proposed project would be the consolidation of facilities, enabling greater amounts of crude oil to be offloaded in the port. Chapter 8 of the Act encourages existing ports to modernize and construct facilities within their boundaries to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the State (Section 30701(b)). Consolidating crude oil unloading operations with ARCO at Pier E would enable Shell to accomplish several objectives. The combination of water depth (52-62 feet) and the increased offloading capacity created by the new pipeline at Pier E would permit the use of larger tankers than were currently possible at Shell's existing facilities. Therefore, "lightering" of crude oil from larger to smaller tankers would no longer be necessary to bring the oil into the port, which would decrease the risk of oil spills associated with such transfers. The Pier E site offered a further advantage in that the approach to the terminal was safer than the approach to Mormon Island. The entrance to Pier E was direct and unobstructed with one gentle turn required in a wide turning basin, while access to Mormon Island was via a four-mile-long channel requiring several turns, passing numerous cargo berths, and passing beneath a highway bridge.

Nevertheless, the use of ARCO's Pier E facility

would pose the risk of tanker collision and oil spillage. The Channel width at Pier E was 560 feet. Tankers could be brought to Berth 118 that were as wide as 175 feet. Across the Channel at Pier D was a cargo facility the Port planned to modernize for bulk loading which could accommodate vessels up to 100 feet wide in its 35 foot depth. With vessels of these maximum widths at Piers E and D, only 285 feet remained for passing vessel maneuvering and clearance. This was not wide enough for two vessels to pass in the Channel. Using U.S. Army Corps of Engineers minimum standards for channel width design, the widest vessel that could pass through the Channel in this situation would be about 114 feet wide, so increased use of Pier E by large tankers could restrict vessel arrivals and departures.

Because ARCO's terminal facilities were so integrally tied to the proposed pipeline, the Commission included it in its scope of project review, thus subjecting the terminal to Coastal Act policies. Section 30261(a) of the Act specifically addresses new and existing terminal facilities and provides standards for their design. The Commission found that the Pier E oil terminal activities were not designed to minimize risks of collisions from movement of other vessels or oil spillage. Therefore, it required that several conditions be placed on the project to address these inadequacies and to bring the project into conformance with Section 30261(a). First, the Commission required the ARCO terminal to be relocated, or that a new one be constructed, in the Pier E area which would provide greater vessel traffic clearance and maneuverability than at the existing facilities. The Commission next required that a terminal operations plan be submitted by the applicant or the party responsible for operating the terminal for review and approval by the Commission's Executive Director. All operations at the project site would have to comply with the provisions of the approved manual and no oil could be unloaded into the pipeline until such approval had been received. The manual also had to comply with U.S. Coast Guard requirements and had to include: (1) specific contingency plans for catastrophic occurrences such as explosions, fires, and earthquakes; (2) an oil spill contingency plan; (3) provisions for qualified pilots, tug operators, crew and terminal personnel, and communications personnel; (4) the most effective equipment to prevent, control, and clean up oil spills; (5) sufficient coordination with industry cooperatives and government agencies responsible for responding to oil spills; and (6) periodic testing of personnel and

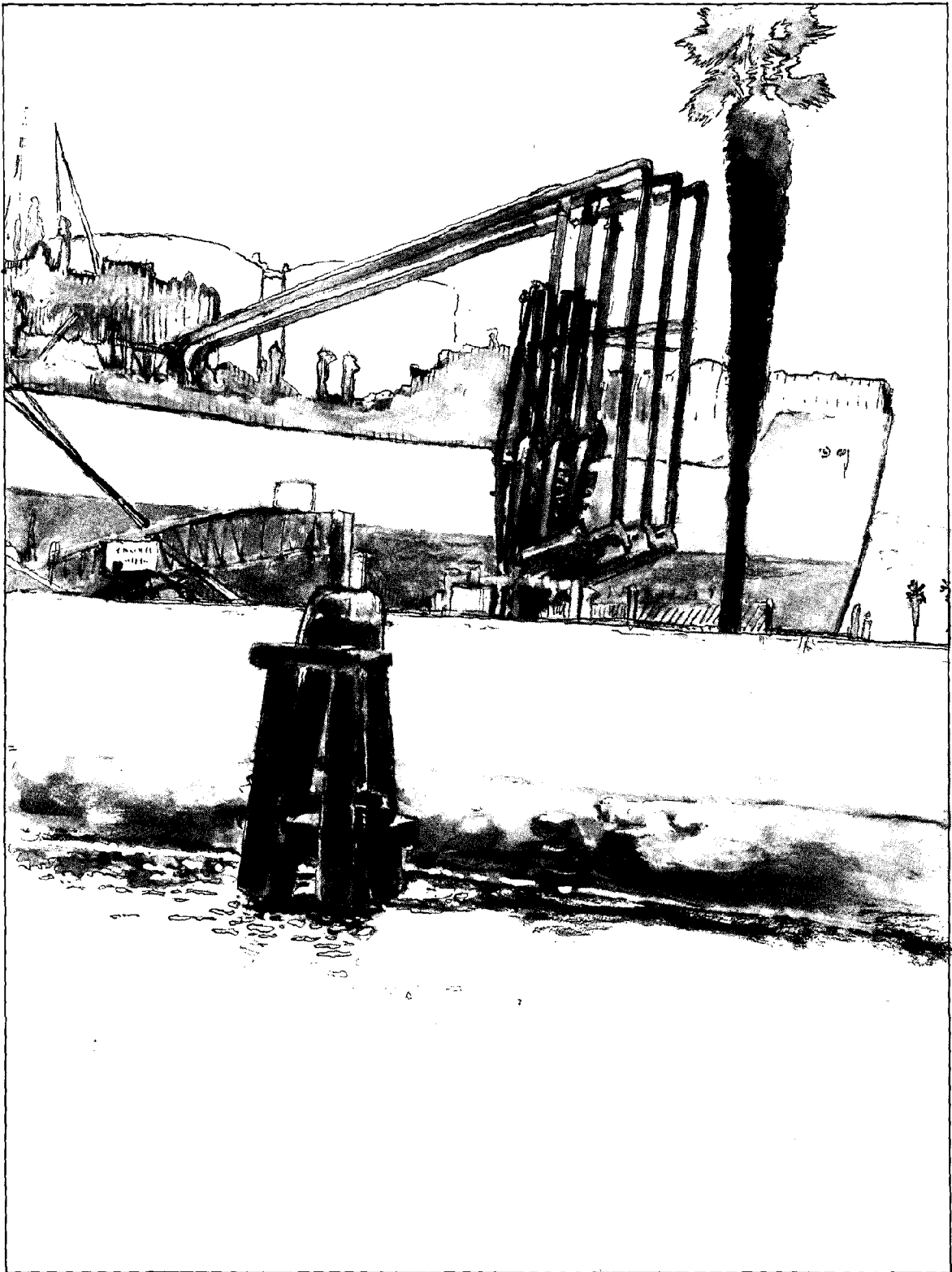
equipment on ability to implement contingency plans.

A final condition to ensure compliance with Section 30261(a) provided for access for inspectors authorized by the Commission's Executive Director to monitor permit conditions. The State Lands Commission employs marine oil terminal inspectors who could be used to monitor compliance with the conditions of the permit under an agreement with that agency.

The last issue raised in this project involved the method used to unload the tankers. As oil is unloaded, the remaining oil vapors mingle with the incoming air to form a potentially explosive mixture. It was ignition of such a mixture that destroyed the tanker *Sansinena* in the Port of Los Angeles in December 1976, causing the death of some crewmen and property damage as far away as six miles. The Coastal Act requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard (Section 30253(1)). The Commission found that using inert gases to fill the tanks as they were being unloaded would reduce the formation of a potentially explosive mixture and thus minimize the risk of explosion. Consequently, it required all tankers using the new pipeline to pump inert gases into the oil tanks as they were being unloaded. Tankers which did not use inert gas could still use the existing Pier E oil terminal, but they would be required to discharge into the less efficient, existing 24-inch pipeline.

Because the inert gas process takes gases out of the tanker smokestack and puts them through a scrubber before sending them into the oil tanks, there is water effluent from the scrubber. The effluent, which contains acid, would be continually discharged while the system was operating during offloading at the terminal. To ensure compliance with Section 30231 of the Act, which requires that development proposals minimize the adverse effects of waste water discharges, the Commission required approval from the Regional Water Quality Control Board or notice from the Board that no such approval is required.

Again, this project was very complex due both to the scope of issues and to the inclusion of ancillary facilities. As a footnote, two years later, ARCO submitted a permit application to relocate the existing tanker terminal berth and support facilities on Pier E at Berth 118 to Berth 121 in accordance with the conditions of this permit. This application also received Commission approval.



#### **CASE STUDY #4: UPGRADING A MARINE TERMINAL**

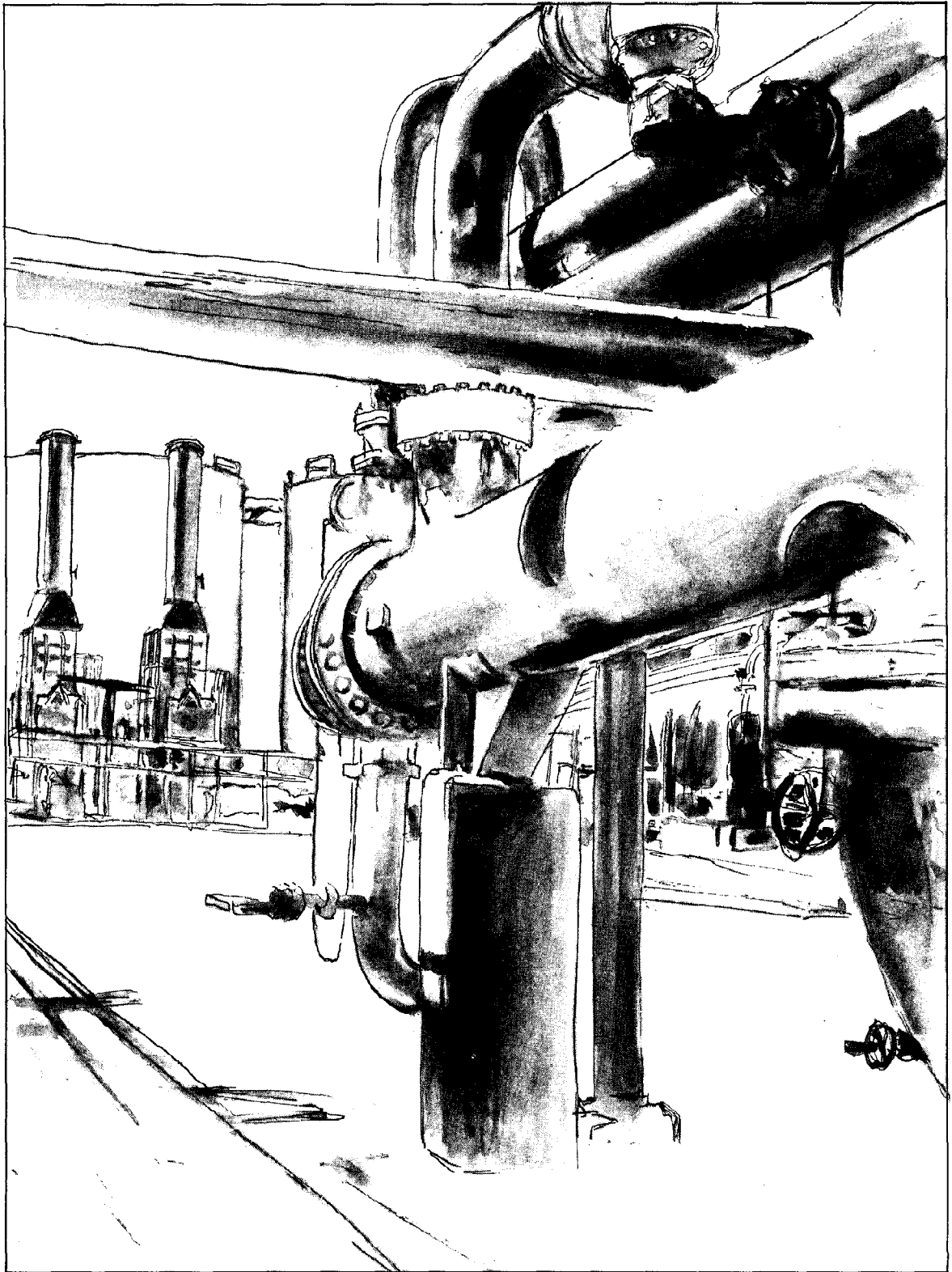
**The previous and this case study illustrate differences between the treatment of port-related projects. This next case study is limited to a terminal facility within the port jurisdiction only. Therefore, once its Risk Management Plan is certified, the Port would have primary permit authority over such facilities. As in the previous case study, the issues of vessel traffic safety and oil spillage apply and mitigation of these impacts includes the development of a terminal operations manual and inspector access to the facility.**

In the summer of 1980, the Commission received an appeal of a project approved by the South Coast Regional Commission. The project, proposed by the Los Angeles Harbor Department and Union Oil Company, would modernize terminal and storage facilities which receive, store, and repump crude oil in the Port of Los Angeles via pipeline to Union's refinery in the area. Unlike the previous case study, this permit application and subsequent Commission review were limited to the terminal itself. The modifications involved replacement of existing equipment, not expansion of facilities, which would allow crude oil storage at a higher temperature for easier handling. Because the Port had not yet completed its Risk Management Plan, the Commission retained permit review authority over projects concerning the transport and storage of oil and hazardous bulk cargo.

Although the same issue of safety and oil spillage were involved in this project as in Case Study #3, the Commission could apply only Chapter 8 policies to its review. Section 30707 of the Coastal Act, addressing new or expanded marine terminals, was not applicable because the facility was not being expanded. However, the more general Section 30708, pertaining to all port-related developments, did apply and specified that substantial adverse environmental impacts and traffic conflicts between vessels be minimized.

To conform to these standards, the Commission again required the development and approval of a terminal operations plan and inspector access to ensure that safe port operations were available and would be carried out. To further minimize potential adverse impacts to public safety, Union also agreed to conform to the Los Angeles Port Risk Management Plan upon its completion and certification by the Commission.

After consulting with the U.S. Coast Guard, the Commission decided not to require tankers to be equipped with inert gas systems to offload at the terminal, as it had in previous permits, because an amendment to the federal tank vessels regulations would accomplish the same result. Effective January 1980, this amendment would require all *new* foreign and domestic crude oil and product tankers over 20,000 deadweight tons (dwt) entering U.S. ports to be fitted with inert gas systems. In addition, all *existing* tankers are to be fitted with these systems by May 1983.



## **CASE STUDY #5: OIL AND GAS PROCESSING FACILITY EXPANSION**

**Potential increases in air emissions, tanker traffic, and oil spill risks due to higher oil production rates and difficulties with the existing site location were issues of concern surrounding expansion of an oil and gas processing plant in this case study. Conditions required effective oil spill containment and recovery equipment and contingency planning, use of onshore pipeline, if found to be feasible, to transport oil to the refinery, and air pollution control measures required by the County Air Pollution Control District (APCD).**

**After LCP certification, the local government would have primary permit authority over the onshore facility described in this case study, although the plant processes oil and gas produced offshore.**

Atlantic Richfield Company (ARCO) owns and operates the Ellwood processing plant located in Santa Barbara County which separates and treats crude oil and gas produced on the company's Platform Holly offshore in State waters. After processing, the oil is carried two miles by pipeline to the Aminoil Company storage tanks and marine terminal where it is loaded onto tankers for shipment to the Port of Long Beach.

In early 1977, ARCO applied to the South Central Coast Regional Commission for a coastal development permit to modify the Ellwood plant by installing new equipment which would increase production and processing capacity. The proposed project involved adding and modifying facilities at a site already used for oil processing. Although the existing development was below the level of the first public road and was heavily screened by trees and other vegetation, it could be seen from the shoreline and from adjacent recreation areas. Siting the new facilities in the same manner as the existing development would not protect views to and along the ocean and scenic coastal areas or be visually compatible with the character of the surrounding area. Therefore, the Regional Commission required

depressed grading of the facilities to reduce facility heights. It also required landscaping of the area.

A major concern, of course, was protection against the spillage of crude oil. Because the expansion would induce heavier oil tanker traffic and the use of larger tankers due to higher production rates, the risk of oil spillage would increase. Moreover, the project's proximity to the undeveloped creek area would increase the need for effective onsite oil spill containment and cleanup equipment and planning procedures.

The Commission was not the only agency concerned with the impacts of this project. The Santa Barbara County APCD and the County Department of Environmental Resources had spent two years working out conditions for the proposed development with ARCO. These conditions would (1) improve County air quality, including reducing sulfur odors, (2) encourage use of a pipeline for transporting Santa Barbara Channel oil production to market, and (3) enhance the immediate site environment through landscaping, noise control, and depressed grading of the facilities. The basic premise of these conditions was that the allowable oil production rate was a function of the air emissions: the lower the emissions, the greater the allowed production. Where applicable to coastal resources, these conditions, in the form of a county ordinance, were adopted by the Regional Commission in its findings and conditions.

To mitigate the adverse impacts of air pollution emissions and oil spillage, the Regional Commission required ARCO to transport its processed oil to refineries through an onshore pipeline, if such pipeline was determined to be feasible. Use of the tanker terminal facilities would cease if a pipeline became feasible. The facilities would be subject, however, to any conditions the Commission deemed necessary for compliance with the standards under Section 30261(a) of the Act.

To further guard against oil spills, the Regional Commission limited ARCO's production to 6,500 barrels of oil per day until the company could establish the availability of the most effective feasible containment and recovery equipment for oil spills.

## **CASE STUDY #6: EXPLORATORY DRILLING IN AN ONSHORE PRISTINE AREA**

**This case study illustrates that in coastal areas where there are no existing energy facilities, even small energy projects can create controversy. Issues associated with the project were agricultural productivity, protection of scenic, archaeological and biological resources, and development near an active fault zone. Conditions to minimize the adverse impacts of the project included detailed grading, drainage and revegetation plans, site restoration including the mulching and reseedling of topsoil removed during construction, compaction and gravel surfacing of well pads, oil spill containment berms, and construction of facilities to meet earthquake safety standards.**

**After LCP certification, onshore oil and gas production described in the next three case studies would be under local government primary permit authority.**

In the fall of 1979, the Commission received an appeal from a North Coast Regional Commission decision approving a proposal to drill one exploratory oil well and two confirmation wells on a cattle ranch near Point Arena in Mendocino County. These would be the first oil wells permitted in this scenic rural area. Some residents were concerned that approval of these wells would signal to the U.S. Department of the Interior that proposed OCS leasing for oil development offshore Mendocino's coast would be acceptable. In addition, attorneys for the Pomo Indians, who have a small reservation near the ranch, worried about the effects of oil drilling on that community and wanted strict archaeological surveys before any drilling might start. The California Department of Fish and Game biologists were concerned about the drilling because the wells would be in the watersheds of the Garcia River and Hunters Lagoon, where wild swans breed. Although the mouth of the river and the lagoon were about three miles away, the Fish and Game biologists worried that an oil spill during the rainy season might make its way through the gulches to the waterways. Consequently, as much controversy surrounded this small project as any large-scale facility.

Impacts from the project would include the removal of about six out of 1,500 acres of pastureland in the leasehold from active grazing use. In addition, dust, noise, and noxious odors from the

project would affect surrounding agriculture. Because it would be located in open grassland in a rural area, the project also would present a potential fire hazard. This hazard would be compounded by the fact that the County had a limited capability to respond to an oil well fire.

The proposed drill sites would not be seen from California Highway One, the coastal scenic route, although drilling activities would be partially visible from the highway during the time that the portable drilling mast would be in place. Impacts on archaeological resources, however, might be greater. An archaeological survey conducted within 400 acres of the leasehold identified several archaeological sites. The project Environmental Impact Report (EIR) stated that these sites could be directly impacted by drilling wells, road grading, and building of access roads and associated features placed in their vicinities.

As stated earlier, the project would be sited within the watersheds of the Garcia River and Lagoon Creek near wetlands on the fringes of Hunters Lagoon and approximately two miles southeast of Manchester State Park. The California Department of Fish and Game considered the mouth of the river and the wetland areas of Hunters Lagoon to be of high resource value. Furthermore, the California Department of Parks and Recreation had recently completed acquisition of the parcels surrounding the lagoon. With the exception of the coastal prairie or grassland communities, the biological communities adjacent to the project site were diverse and relatively undisturbed, particularly the wetland habitats of the rivermouth and lagoon. Winter runoff from the project area would collect into two steep-sided ravines which are tributaries to Lagoon Creek. During and immediately after heavy rains, Lagoon Creek would carry water into Hunters Lagoon.

The project site would be 5,000 feet from the San Andreas Fault, an area of high geologic hazard. The project EIR stated that the major potential for oil spills from seismic disruption would be along pipelines and at the location of oil storage facilities rather than at the oil wells. The report did not contain, however, a record of seismic activity in the project area to substantiate this finding.

Because of the proximity of the project site to the San Andreas Fault, to the pristine habitats of Garcia River and Hunters Lagoon, and to significant archaeological sites, the Commission found that the risk of degradation by construction activities and the handling, storage, and transportation of crude oil and other hazardous substances from the proposed



development warranted stringent conditions. First, the oil produced from each permitted well was limited to the minimum amount of oil and duration of time necessary for testing the resource potential of the oil field. Conversion of the exploration wells to production wells would require a separate coastal development permit. Upon completion of the testing program or abandonment of the exploratory or confirmation wells, the wells would be capped and all equipment removed from the site in accordance with the California Division of Oil and Gas requirements.

Second, regarding construction impacts, the Commission required the applicant to submit for review and approval detailed plans, working drawings, and construction specifications prepared by registered professional engineers showing the location of drill pads, drilling equipment, storage facilities, and access roads. These plans were to include detailed grading, drainage and revegetation plans designed to minimize erosion from surface runoff and to protect the vegetated slopes leading to Lagoon Creek and the Garcia River. The applicant had to erect a fence separating the well site and access roads from the surrounding pastureland and had to restrict all construction activity to within the fenced area. To minimize erosion during the rainy season, grading or other construction activity was prohibited during the months of November through March. All topsoil removed by construction had to be mulched and reseeded for use in site restoration. Access roads and well pads were required to be compacted, surfaced with gravel and maintained to reduce dust.

The Commission further required the installation of exhaust mufflers, sound suppressing enclosures, and other noise abatement methods to reduce noise disturbance to the maximum extent feasible.

To restore the site, removal of all equipment, materials, and structures was required within ninety days of the abandonment of use. Well sites were to be graded within ninety days of the abandonment of use. Well sites also were to be graded to contour, the surface scarified, and reseeded with grasses. All depressions, cavities, holes and other excavations were to be filled and packed with native earth.

Requirements to protect potential and discovered archaeological sites were similar to those imposed on the project described in Case Study #2. Furthermore, to ensure that the project would meet the requirements of Section 30232(1) and 30262 of the Coastal Act regarding geologic hazards, the Commission required a report prepared by a registered structural engineer reviewing the design of all storage tank, pump, and pipeline facilities to be constructed to determine how these facilities would withstand vibrations and onsite fault displacement caused by the maximum credible earthquake for the area. The report also had to specify necessary standards for fill compaction, containment berms, and structural ties so that oil, drill fluids and chemicals would not escape the site.

Finally, the Commission required the preparation of a fire prevention plan which would list equipment and personnel available on the site in the event of a fire and the action to be taken prior to the arrival of an organized fire department.

## **CASE STUDY #7: DRILLING AND PRODUCTION IN AN URBAN AREA**

**Unlike the previous case study, the proposed drilling in this case study would occur in an established oil district, but in a residential neighborhood. Consequently, the major impacts of the project were noise generation and visual compatibility with the surrounding area. Conditions limited the hours of the drilling operation, and required fencing and landscaping around the facility, and removal of abandoned drilling equipment and site restoration at another drill site in the area owned by the applicant.**

**After LCP certification, the local government would have primary permit authority over this project.**

Pan Western Petroleum Company proposed to drill two exploratory wells and to install production equipment on an existing drill site where seven production wells were currently operating in the City of Long Beach. The actual drilling of the two exploratory wells would last approximately three months.

Although oil development had occurred in the Long Beach area for the past fifty years, the proposed exploratory drilling would be located within an established neighborhood which preceded oil development by a few years. The Commission received the coastal development permit application on appeal from Pan Western, who contested conditions imposed on the project by the South Coast Regional Commission. The particular condition being objected to was a requirement to limit drilling to daylight hours and to reduce noise, odors, and vibrations to a level below human perception. The Regional Commission found that such noise abatement would make the project more compatible with the surrounding residential land use.

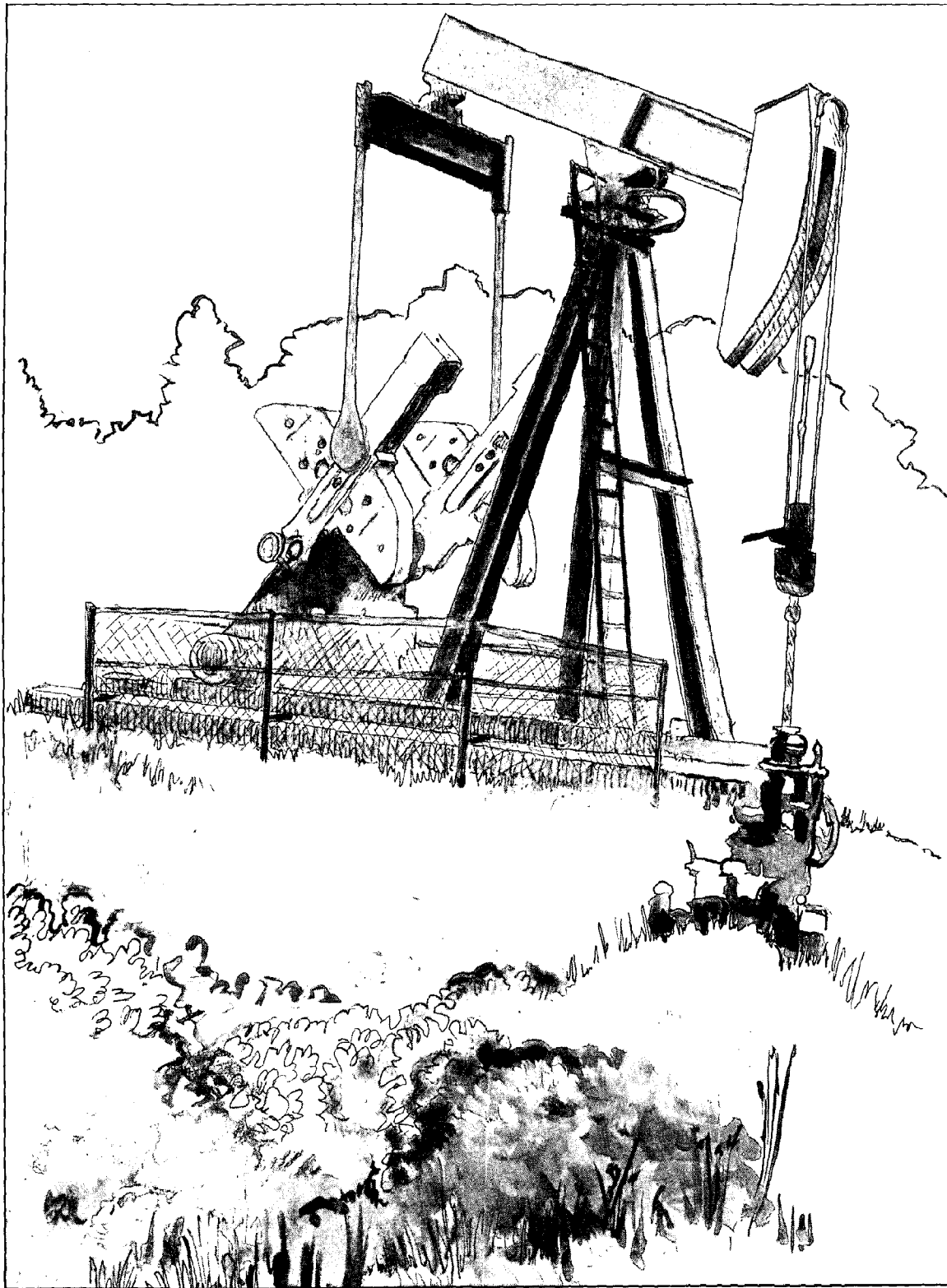
An oil well drilling operation produces noise from many activities, including handling drill pipe, delivering equipment by large truck, and drilling motors and pumps. The Regional Commission had received numerous letters and a petition from nearby residents complaining of disturbing noise from the current drilling operation, especially at night. At the time, the City of Long Beach was considering

revisions to its Oil Code under its LCP to impose restrictions on drilling near residences. Furthermore, staff from the California Office of Noise Control agreed that in order to meet established noise standards the proposed drilling would have to be prevented at night.

After considering this issue, the Commission found that the noise from the project's activities had to be mitigated to the maximum extent feasible. To preserve the overall quality of the environment in the Alamitos Heights neighborhood and to protect the public health and welfare from the serious adverse effects from the proposed drilling operations, the Commission decided to uphold the noise abatement condition imposed by the Regional Commission. An alternative would have been to require insulation of all motors, well pumps, and other noise-generating equipment, although such requirement would not address vehicular traffic noise.

Another issue considered by the Commission was the visual impact of the project due to its proximity to single-family residences. The existing drill site was not landscaped and had no wall or fence around the property to block the view of heavy machinery, open pits, and operations at the site or to prevent dust from the site from travelling across the streets into the residential areas. The Commission found that the visual compatibility of the site with the surrounding neighborhood would be greatly enhanced if a block slumpstone fence and landscaping were installed along the perimeter of the drill site. Planting groundcover also would decrease erosion and thus minimize dust to the surrounding area. The Commission further required the installation of an automatic sprinkler system on the project site.

Another drill site in the same area which also was owned by Pan Western but was no longer in use contained abandoned sumps, pits, and other debris from past drilling activities. As part of the mitigation for approval of the exploratory drilling, the Commission required Pan Western to remove this equipment to the site where drilling was being proposed and to restore the abandoned site with appropriate groundcover and landscaping, in accordance with the consolidation requirements of Section 30262.



## **CASE STUDY #8: DRILLING AND PRODUCTION IN AN ENVIRONMENTALLY SENSITIVE HABITAT AREA**

**Although Coastal Act policies do not encourage oil and gas drilling and production in environmentally sensitive habitat areas, facilities such as well pumps which meet the coastal-dependent industrial facility definition can nonetheless be sited in such areas even if they cannot meet the resource protection policies of the Act but if: (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible. This case study discusses expansion of an oil and gas producing field which had been operating in a pristine coastal dune habitat since 1948. Because the proposal would result in a 62 percent increase over existing development, extensive conditions were imposed to protect the geologic integrity and the special biological, archaeological and visual resources found there. These conditions were largely developed by the applicant's consultant who conducted an environmental assessment of the area. This case study focuses on the biological and visual mitigation measures especially designed for the unique dunes ecosystem.**

**After LCP certification, the local government would have primary permit authority over this project.**

At the beginning of 1980, Union Oil of California applied to the South Central Coast Regional Commission for a five-year expansion of oil production activities on its existing lease within the designated Guadalupe Oil Field. Union Oil proposed installation of drilling equipment, similar to existing equipment within the field, which would involve thermal recovery techniques using steam injection equipment. Thermal recovery techniques are generally used to increase production in older fields such as this. The proposal, which included drilling up to 256 wells, represented ultimate development of the lease that might not be fully implemented; the final level of development would depend largely on the initial results of the first wells.

Aside from the magnitude of the project, the lease area contains one of the least disturbed coastal dune

formations in California. The ecosystem of the area is unique, supporting several rare plant and a few rare animal species. In addition to the dune formation are the Santa Maria River and adjacent flood plain and a related freshwater marsh. Coastal marsh areas such as this represent very uncommon coastal resources that are rapidly disappearing in California. These small coastal marshes and lagoons play an important role in the coastal ecosystem's food chain, supporting a larger number of individuals, given their relative size, than most inland habitats. To the east of the lease are extensive agricultural lands and immediately north is more dune habitat.

The Regional Commission determined that, while the proposed project conflicted with the Coastal Act policy for the protection of sensitive habitat areas, it nevertheless qualified as a coastal-dependent industrial facility. And, because it would involve expansion within an existing site, it was consistent with the basic intent of Sections 30260 and 30262, providing reasonable long term growth for existing coastal-dependent energy facilities. Project impacts, however, would require maximum feasible mitigation.

The Regional staff recommendation identified particularly unique or sensitive habitat areas requiring special protection: (1) the marsh area and lagoon, (2) the foredunes and beach area, and (3) the willow thicket and flats vegetation. Accordingly, the Regional Commission limited development within willow areas to construction of necessary roadway and pipeline corridors, prohibiting well locations or other major facilities. It required Union to employ a qualified biologist to observe final staked locations of facilities and roadways within the area of the floral populations.

A major condition required revegetation enhancement in areas of temporary disturbance such as pipeline corridors and areas surrounding construction sites. Union was required to spread vegetation debris removed from the pipeline corridor during construction back over the surface of the corridor. To guarantee compliance with this condition, the Regional Commission required Union either to post performance bonds or to monitor the work of the construction crews. To reduce the area disturbed during construction, thus increasing the rate of revegetation, the Regional Commission limited all equipment and storage of materials to the specific corridors under construction. As a means of minimizing adverse impacts to the dunes, whose ridge-tops are especially vulnerable to wind exposure and man-induced disturbance, the Regional Commission required Union not to construct any oil facilities

over or along ridge tops except for pipeline corridors and roadways which must cross over ridge areas. Furthermore, the company was required to stabilize the sandy ridge tops through hydromulching, netting or other approved measures to achieve the maximum rate of revegetation. A final component of the revegetation enhancement was to limit construction, to the maximum extent feasible, to after the flowering period of dominant floral species and before the rainy season.

Consolidation of facilities also minimized impacts to the dunes ecosystem. Union agreed to consolidate ten production wells in the foredune area by slant drilling, to locate steam injection and producing wells at common wellsites and pipelines adjacent to service roads, and to concentrate steam drive generators on existing pads.

To further reduce impacts on the rare plant and wildlife species from drilling-related activities in the lease area, the Regional Commission imposed conditions which required (1) lining all well sumps with an impermeable material or using tanks; (2) covering all sumps and facility ponds associated with the proposed project; (3) appropriately disposing of drilling wastes; (4) covering all sand piles associated with facility excavation; (5) surfacing all cleared areas as soon as practicable following clearing activities; (6) grading tank areas to allow the effective containment of potential oil spillage by proposed dikes; and (7) specially constructing well pads and pipelines located adjacent to marsh areas. To ensure both the proper implementation of these mitigation measures and revegetation of disturbed areas, annual surveys of areas impacted by construction would be conducted by a qualified biologist. This approach allowed the application of addi-

tional mitigation where required during the five-year development schedule.

The proposed oil field expansion would be visible from public roads and recreational areas and therefore was subject to the requirement of Section 30251 of the Act, that new development be subordinate to the character of its setting. The Regional Commission found that the project would not be consistent with this policy unless the following mitigation measures were followed:

- Siting major facilities (well pools, tanks, steam generators, etc.) off ridge top areas.
- Painting facilities considered partially visible a neutral background color that will significantly reduce their visibility.
- Orienting highly visible facilities on an asymmetrical axis to the major public use area so that the smallest area of the facilities is viewed.
- Designing screens of appropriate material for highly visible facilities which will blend the structures into the surrounding landscape.

This project was the largest and most complicated oil development reviewed by the Regional Commission. Conditions on the project were designed to address the maximum development in the lease rather than on a permit-by-permit basis. Instead of going before the Regional Commission for approval of site specific plans on subsequent construction phases within the five-year development schedule, Union could submit the plans to the Commission's Executive Director for administrative approval.

## CASE STUDY #9: EXPLORATORY DRILLING OFFSHORE IN STATE WATERS

**This case study was the first permit to come before the Commission for offshore oil drilling. The issues of major concern were protection of marine resources and nearby environmentally sensitive habitats from long-term exposure to oil and from catastrophic oil spills and the cumulative impacts of oil and gas development. Mitigation to minimize such adverse impacts included maximum feasible oil spill containment and control equipment to be located onsite and an onsite oil spill equipment deployment exercise.**

**After LCP certification, the Commission will retain primary permit authority over oil and gas development in tidelands, submerged lands, public trust lands and open coastal waters.**

In the summer of 1981, Atlantic Richfield Company (ARCO) proposed to drill up to nine exploratory wells on State tidelands, approximately nine miles west of the City of Santa Barbara and two miles offshore Goleta and Coal Oil Point (see Figure 4). ARCO previously had drilled several wells on the parcels and had one production platform, Holly, in operation on an adjacent lease.

Drilling of the exploratory wells would take from 30-60 days per well. The limited oil and gas produced by the test would be barged to Long Beach for processing. Drill muds and cuttings produced by the drilling would be barged to a disposal site onshore.

The proposed drilling sites would be located near trawling areas, kelp beds, marine mammal haul out and resting areas, and two marine life refuges, Goleta Slough and Devereaux Lagoon. The major threats to these resources would be twofold: (1) from long-term exposure to oil due to small spills, seeps and sewage outfalls; and (2) from short-term, catastrophic events such as an oil spill.

Coal Oil Point has long been known for its naturally occurring oil seeps. These seeps could be causing harm to local marine organisms. ARCO agreed to contain the oil from these seeps in an experimental program, mitigating a potential adverse effect on marine life in the vicinity if such containment was successful.

The Commission had found in its consistency review of Outer Continental Shelf (OCS) drilling

projects that adequate oil spill contingency planning and availability of oil spill containment and cleanup equipment onboard the drilling vessel can be a means to protect marine resources in the event of a spill. Consequently, the Commission had established minimum requirements for such equipment to be located on a drill-ship or on a production platform. The equipment was primarily designed to provide a first line of defense for a major spill or to contain and clean up small spills (see Case Study #10, Chapter 8). Because the emphasis of the equipment located onsite was to control the spill as much as possible until additional resources could arrive from the company responsible for the spill or the oil spill cooperative, efficient oil spill equipment deployment capability also was necessary. The Commission found that efficient deployment was particularly important at these drilling sites because of their proximity to environmentally sensitive habitats and onshore areas. Therefore, the Commission decided to conduct an unscheduled oil spill equipment deployment exercise for a simulated instantaneous spill of 500 barrels of crude oil. During the exercise, ARCO would be required to deploy all the vessels, oil recovery devices, and oil storage containers onsite and to demonstrate their operation. Other equipment and resources from the area's oil spill cooperative, Clean Seas, would respond if needed in accordance with ARCO's oil spill contingency plan.

This permit application from ARCO to drill exploratory wells would be the first of several such permits to come before the Commission. The State Lands Commission had approved resumption of drilling requests from Union for Point Conception, Shell for Molino and Pierpont, and currently was reviewing requests from Texaco and ARCO/Aminoil for drilling. The Santa Barbara Channel would experience a continual increase in offshore oil development activities, both on the Outer Continental Shelf and in State tidelands.

Cumulative effects (Section 30105.5)\* from offshore oil exploration activities include air pollution, oil spills, conflict with navigating vessels and commercial and sport fishing boats, demand for onshore sites for service bases, helicopter landings, hazardous waste dumpsites to dispose of drill muds and cuttings, and changes in marine and coastal ecosystems. Visual and noise impacts are some of

\*The Coastal Act was recently amended to define "cumulative effect" as including incremental effects of an individual project in connection with effects of past projects, the effects of other current projects, and the effects of probable future projects.



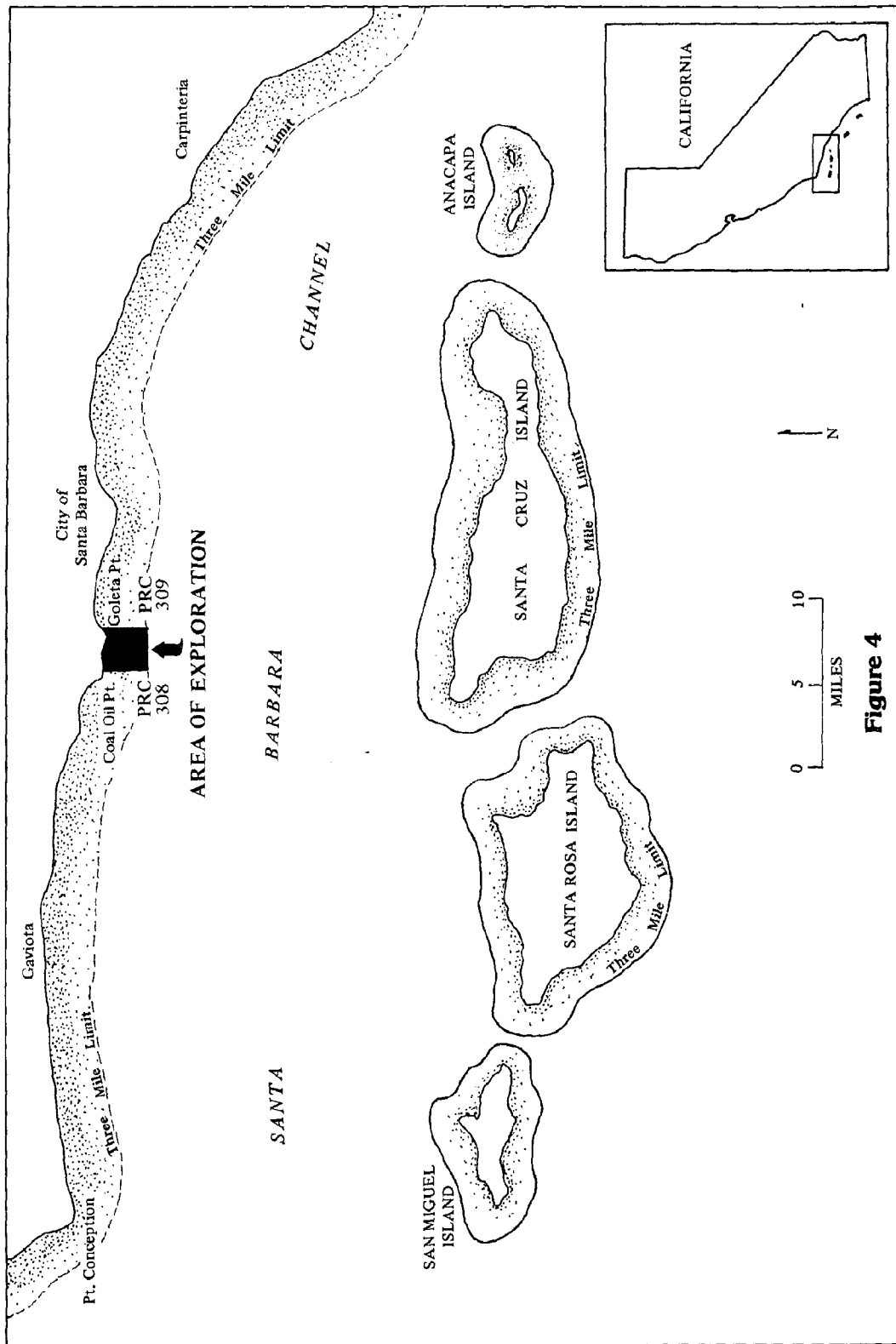
the more obvious possible effects. Development and production activities also cause substantial impacts, being much longer in duration and greater in scope than exploration activities.

Mitigation of these cumulative impacts is, nevertheless, possible. Careful oil spill contingency planning is one important measure, which is discussed above. Close review of proposed site locations is another way to mitigate effects: sites close to sensitive biological areas or vessel traffic routes

present greater threats of adverse effects.

Because the Santa Barbara Channel area has supported offshore oil development since 1898, much infrastructure related to offshore oil activities already exists. Concentration of offshore oil development in areas where there is existing infrastructure prevents impacts from spreading to "frontier" areas where no support facilities exist. This reduces individual and cumulative impacts to the coastal zone in compliance with Section 30250 of the Coastal Act.





**Figure 4**



## CHAPTER 6

### STATE PARTICIPATION IN THE FEDERAL OCS LEASING PROCESS

Energy development beyond the State three mile limit on the Outer Continental Shelf (OCS) is regulated by the federal government. Although the State does not have permit authority over OCS energy development, it can influence the leasing of tracts for such development through formal participation mandated by Congress in the federal OCS leasing program. This chapter explains how the State becomes involved in the lease sale process and what local government's role is in the process. It also points out the pertinent issues in relation to the Coastal Act surrounding OCS lease sales.

#### The Federal OCS Leasing Program

The federal OCS Lands Act requires the Department of the Interior (DOI) Secretary to develop a five-year schedule for leasing areas of the OCS for oil and gas exploration and development. The basic purpose of the OCS leasing program is to develop new sources of domestic petroleum production. The 1978 amendments to the OCS Lands Act further require the Secretary to select the size, timing, and location of sales in a manner that balances the potential for the discovery of oil and gas with the potential for environmental damage and the potential for the adverse impact on the coastal zone. This last factor must be considered in light of coastal management programs and the laws, goals, and policies of an affected state according to the statute and DOI's regulations.

On a particular sale, DOI asks for information on offshore areas that either should or should not be considered for lease. In general, the oil industry submits information on areas which it believes may contain oil and gas, and the State and other parties submit information on areas where oil and gas development would pose unacceptable problems. DOI then selects tracts for further study and consideration for sale, prepares an Environmental Impact Statement (EIS) on those tracts, and holds public hearings on the EIS. After public comment, a final EIS is written and, ultimately, the Secretary of the Interior decides which tracts, if any, DOI will lease.

#### State and Local Participation in the Program

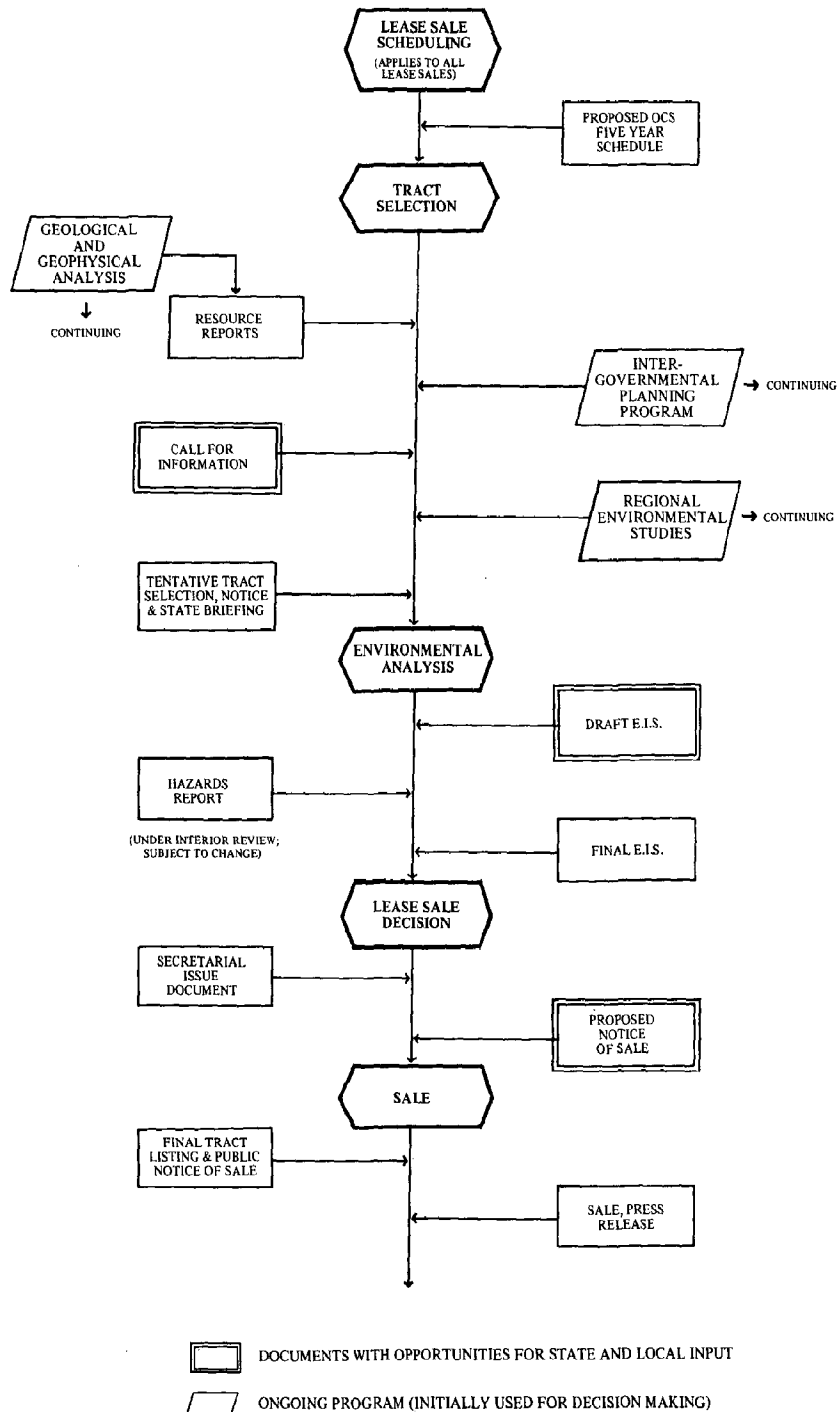
The 1978 OCS Lands Act Amendments significantly modify the decision-making process for lease sale activities. While responsibility for implementing OCS leasing procedures rests with the federal Bureau of Land Management (BLM) under DOI, opportunities for State and local government participation exist in several steps of the process. Public hearings are held on the OCS five-year leasing schedule, the Call for Information, the draft EIS, and the Proposed Notice of Sale. In addition, State and local governments can submit comments on the environmental studies program including specific studies, resource reports, tract selection and the Secretarial Issue Document (Figure 5). The BLM and DOI subsequently take these comments under advisement in determining which tracts are to be leased under a particular lease sale. Local governments can supplement the federal OCS leasing process and assist in State OCS review by providing information on coastal resources, policies and potential land uses and impacts that should be considered in developing and reviewing EISs. While they are not excluded from communicating directly with DOI or BLM, local governments also should submit their comments via the governor of their state, to assure official consideration as a part of the Governor's recommendation which must be addressed in the OCS decision-making process.

Local government participation in the federal OCS leasing process should focus on these objectives:

- increasing public awareness about OCS development and grassroots participation in the leasing process;
- providing accurate information on local coastal resources during the preparation of the draft EIS; and
- developing a position consensus on the lease sale with other affected counties and cities.

There are many ways to implement these objec-

## PRE-SALE DECISIONS AND REQUIRED DEPARTMENT OF INTERIOR DOCUMENTS



**Figure 5**

tives. For Lease Sale 53, the Coastal Commission funded local energy planners in each affected County through federal Coastal Energy Impact Program (CEIP) grants to address OCS issues in their local plans, particularly the Local Coastal Programs (Figure 6). Each planner followed a common work program which included the following elements, largely borrowed from methodology developed by the New England River Basin Commission:

- assembling local expertise and identifying local policies relevant to OCS development;
- developing OCS exploration and production scenarios to determine specific on-shore facility siting requirements;
- identifying siting options for *consideration* in accommodating anticipated OCS needs, including an inventory of existing and proposed energy facilities;
- assessing onshore environmental impacts;
- developing policies and mitigation strategies for incorporation into local zoning and regulatory plans; and
- participating in the BLM environmental assessment process.

These six elements form a logical planning procedure which can be followed by local government staff for evaluating any lease sale. It should be noted, though, that the Coastal Commission is continuing its CEIP local government participation grants to Humboldt, Marin, San Mateo, Santa Cruz, and San Luis Obispo Counties until 1983.

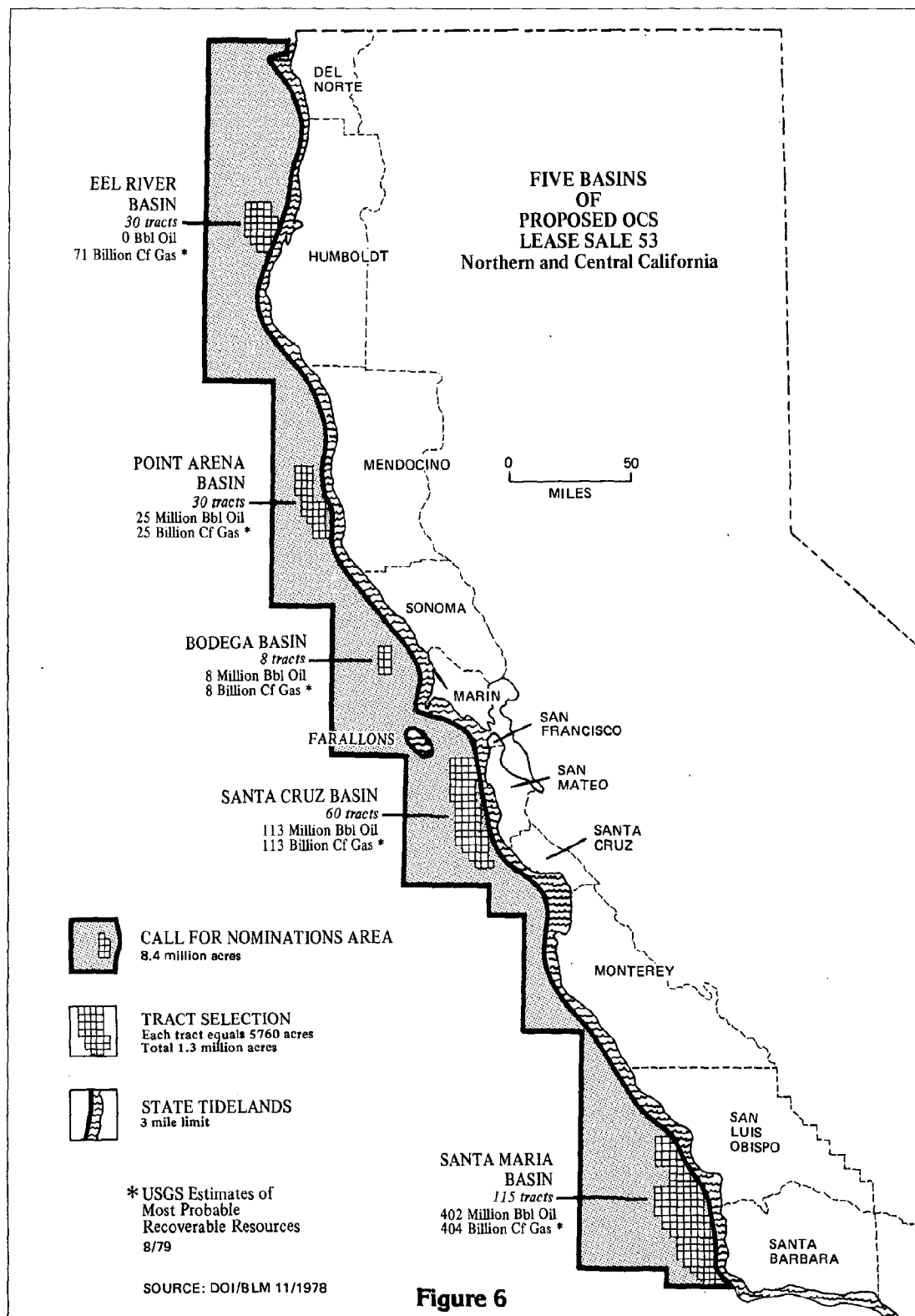
Because the trend in OCS leasing appears to encompass larger areas proposed for leasing, it is important for the affected coastal counties and cities to develop a mechanism for coordinating actions both among them and between them and the State. Again, the Coastal Commission established an ad hoc Working Group for Lease Sale 53, comprised of the CEIP-funded local planners, a local government coordinator reporting to the Board of Supervisors in

each affected county, and Commission staff. The Working Group provided a centralized forum in which to discuss local issues and resource information and general questions about the lease sale. Information from these discussions, together with the counties' written comments and recommendations, were incorporated into Coastal Commission and State comments to BLM and DOI on the lease sale. Furthermore, the Working Group supplemented the training and knowledge of the local planners and prevented isolation from one another. Similar ad hoc groups can be formed at the local government level once local public interest is stimulated.

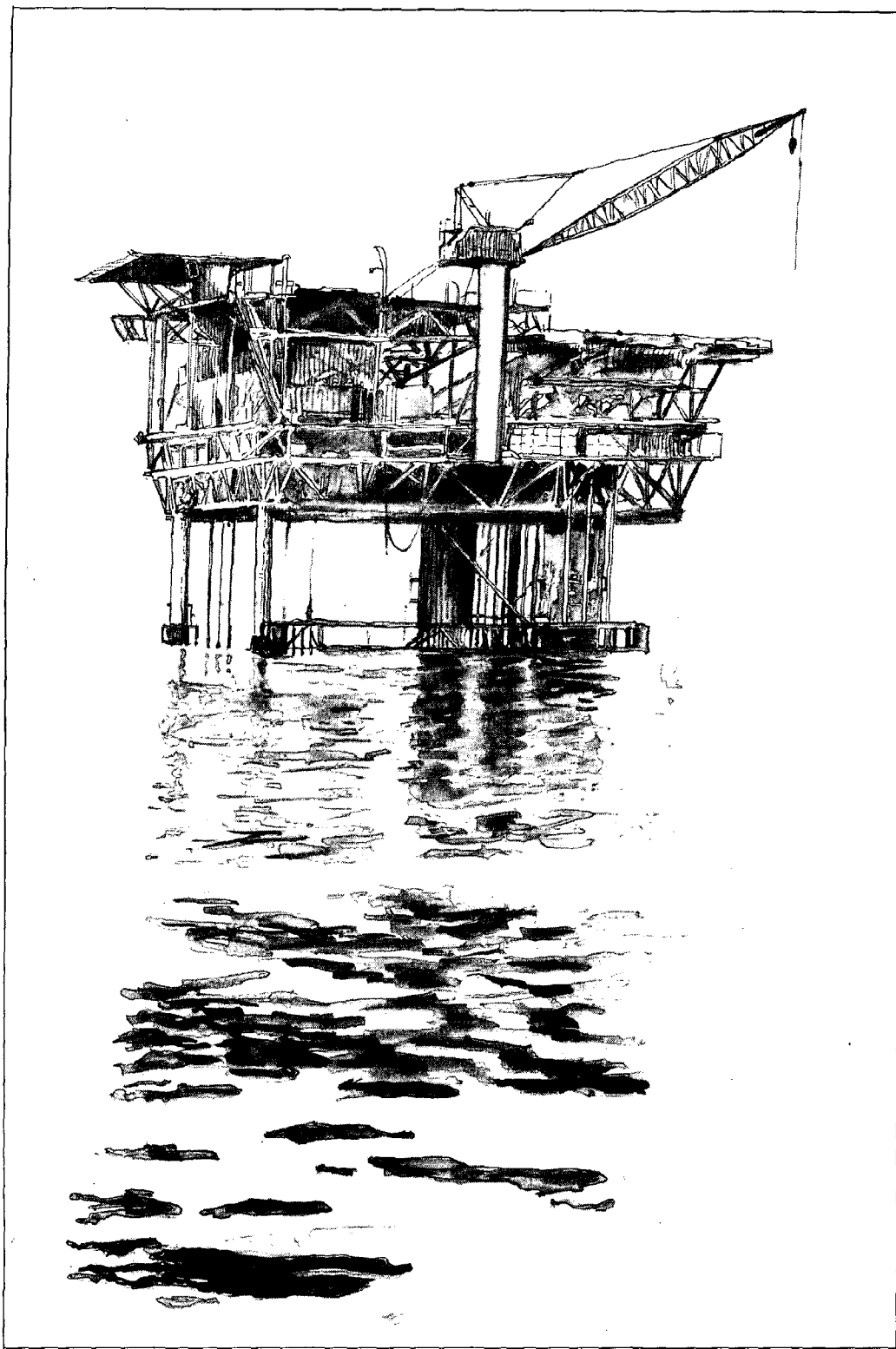
### Issues Surrounding OCS Lease Sales

The Coastal Commission has generally supported OCS leasing off southern California, believing that offshore oil and gas development should continue to be developed in those areas of highest potential for petroleum production and where supporting infrastructure already exists. On the other hand, the Commission and the State, through the Governor, have informed DOI that leasing of specific tracts should *not* occur because of the risks to sensitive environmental resources. For example, the Commission has objected to leases of tracts near Santa Monica Bay and around the Santa Barbara Channel Islands to protect the environmental resources of these areas. Proposed lease sales off northern California also are inconsistent with California's Coastal Management Program (CCMP) based on the Coastal Act policies of consolidating industrial development, ensuring compatibility of development with areas of high scenic quality, preserving marine and coastal resources including commercial fishing, tourism, recreation, and agriculture industries, and protecting against the spillage of crude oil.

The Commission also has found that pre-lease sale activities are subject to the CCMP and require *consistency review* (discussed in Chapter 7). It has advised DOI that Lease Sale 53 is subject to a consistency review as provided in the federal Coastal Zone Management Act (CZMA). DOI has asserted that it need not meet the consistency provisions of the CZMA. This legal issue is currently in litigation.



**Figure 6**



## CHAPTER 7

### STATE CONSISTENCY REVIEW OVER OCS ENERGY DEVELOPMENT

Under the Outer Continental Shelf (OCS) Lands Act, the State (and local government) has a role in pre-leasing activities for OCS energy development. The Governor is the official "commenter" and it is incumbent, though not mandatory, on the federal government to seriously consider the State's position in deciding which tracts are to be leased. The federal Coastal Zone Management Act (CZMA) provides another tool, however, for Coastal Commission participation in OCS activities. It is called *OCS consistency review*. This chapter explains what OCS consistency review is, how it works, and what its relevance is to local governments.

#### What is Consistency Review?

Sections 307(c) and (d) of the CZMA provide for State review of four types of federally-related activities which may affect the land or water use in a state's coastal zone:

- federal activities directly affecting the coastal zone;
- federal assistance to State and local governments;
- federally licensed and permitted activities; and
- federally licensed and permitted activities described in detail in OCS plans.

For the purposes of this handbook, only the fourth type of consistency review concerning OCS development will be discussed.

Consistency review can only be applied by a state after its coastal management program has been approved by the U.S. Department of Commerce. Then the state can review activities described in detail in an OCS exploration or development plan which affects any land or water use in the coastal zone. The Coastal Commission already has determined in its coastal management program that exploratory drilling and development on the OCS affects the land and water uses in the State's coastal zone. A federal permit cannot be granted for the activity without state concurrence that the project is consistent with its federally approved coastal management program. Concurrence can be presumed

if the state does not act within six months of receiving a plan from the federal agency which, for OCS plans, is the U.S. Geological Survey (USGS). If a state objects, it must give detailed reasons why it objects and how the project could be altered to be consistent with its coastal management program. The federal Secretary of Commerce can override that objection in matters of national security.

Failure of a company to submit information which the Coastal Commission determines necessary for a complete and proper consistency review is also grounds for an objection to an OCS plan. Based on inadequate information, the Commission has objected to one development plan at the end of the six-month time period because the applicant failed to submit requested information regarding its oil spill contingency plan and air quality emissions. The company has since resubmitted the plan after compiling the requested data.

Although the California Coastal Management Program (CCMP) was approved in November 1977, the Coastal Commission could not apply the consistency provisions until August 1978 due to litigation by the oil industry.\* That case challenged the National Oceanic and Atmospheric Administration's (NOAA) certification of the CCMP and the consistency provisions of the CZMA. The Court of Appeals held that the certification was valid and that challenges to the consistency provisions were wholly speculative and not ready for review. Subsequent to that decision affirming the Commission's CCMP, the Coastal Commission has processed over thirty consistency reviews. Most plans of exploration have been processed on an average of ten weeks from receipt to Commission action.

Review of the *first* plan of development subject to the consistency provisions was accomplished within the allotted statutory period (see Appendix E).

#### How OCS Consistency Review Works

*Post Lease Sale.* After an oil company purchases an offshore lease for exploration and development, it becomes subject to many federal and state regulations. The regulations at this post lease sale stage are imposed after oil companies have spent time and money determining whether to explore and develop the areas. These regulations tend to "mitigate" adverse environmental effects than to delete inappropriate tracts. Under the Department of the Interior (DOI) "due diligence requirement," a com-

\**American Petroleum Institute v. Knecht*. 456 F. Supp 889 (C.D. Cal 1978), aff'd 609 F. 2nd 1306 (9th Cir. 1979).



pany must explore a lease and file a plan of development within five years of purchase or the lease expires.

DOI generally imposes lease stipulations on all lessees (Figure 7). In Lease Sale 48, held in June 1979, leases were sold with stipulations that require the lessee, among other stipulations, (1) to use a pipeline whenever feasible; (2) to perform archaeological and biological surveys in areas believed to be of special significance; and (3) to cover protrusions of pipelines and other equipment on the sea floor to protect commercial trawling gear. These stipulations are supplemental to other controls called OCS Orders which are imposed by the USGS for all OCS oil and gas operations. OCS Orders are discussed under Plan of Exploration.

*Plan of Exploration.* Once a company decides to drill an exploratory well on an oil or gas prospect under its lease, it must file a Plan of Exploration (POE) with USGS, which includes an Environmental Assessment, Oil Spill Contingency Plan, and an application to drill. After USGS accepts the POE, it must send a copy of the POE to the Coastal Commission for consistency review along with permit applications to other federal agencies for the project. The POE must include a consistency certification stating that the activity is consistent and will be carried out in a manner consistent with the CCMP. Because the Commission has already determined in the CCMP that exploratory drilling affects land and water uses in the coastal zone, it now must decide if this particular project is consistent with the CCMP. To help make this consistency decision, the staff sends copies of the POE to other State agencies with the necessary technical expertise: State Lands Commission and Division of Oil and Gas (drilling operations), Division of Mines and Geology (geologic hazards), State Water Resources Control Board (pollution discharges and oil spill containment equipment), State Air Resources Board (air quality), and Department of Fish and Game (effect on marine resources, oil spill contingency plan).

Under its multiple permit review procedures, the Commission also encourages simultaneous review of the other federal permits related to the project when an OCS plan is submitted, namely, the U.S. Army Corps of Engineers permit for placement of structures in navigable waters and the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permit. The Commission has interpreted its review of the Corps permit to be limited to activities located within

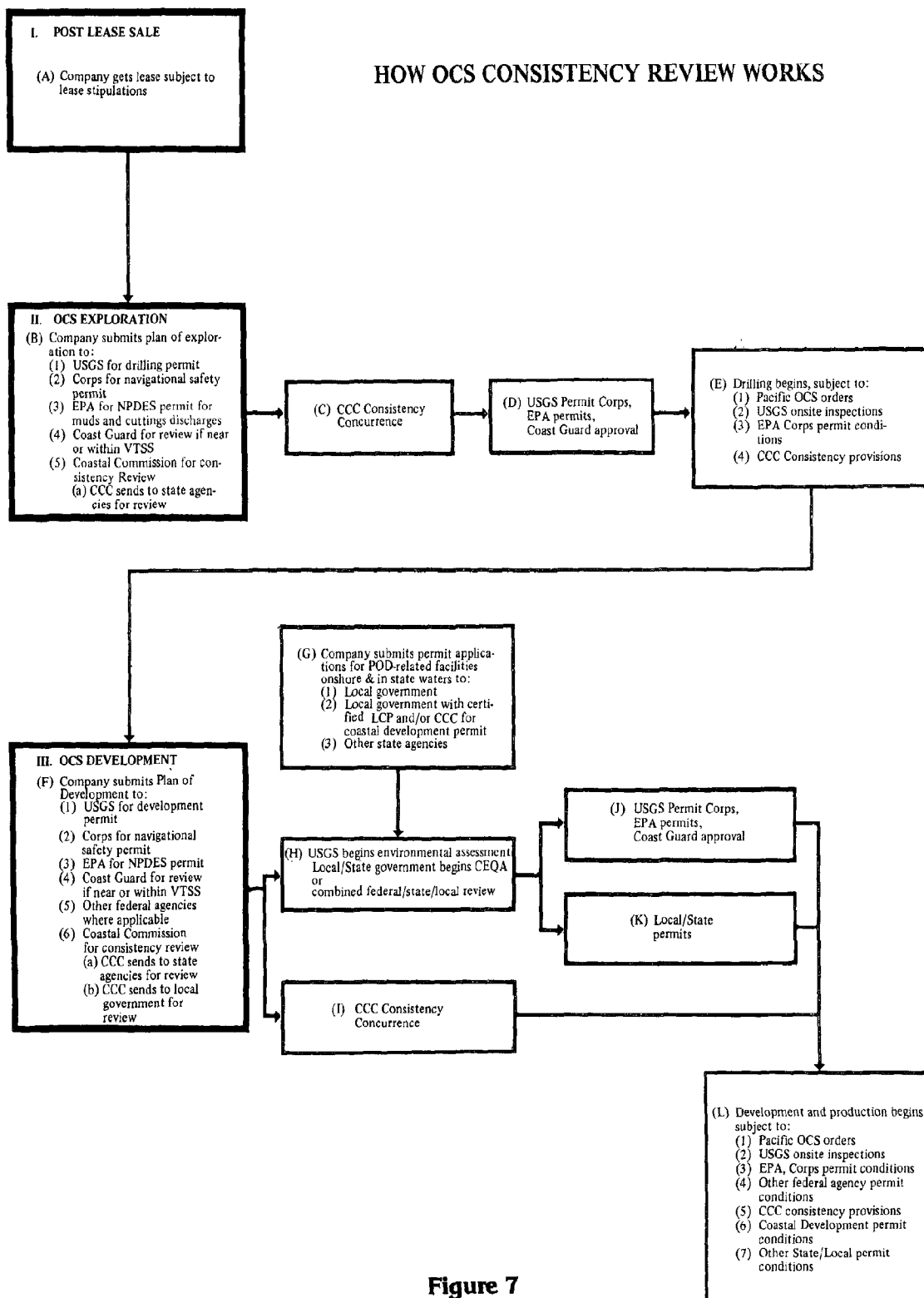
a Vessel Traffic Separation Scheme (VTSS) or 500 meters of a VTSS. The Commission also believes that Coast Guard approval of placement of structures near sea lanes should be subject to consistency review and thus should be part of the multiple permit review.

The NPDES permit review falls under the CCMP policy of protecting water quality and marine resources. The permit covers discharges of drilling muds and cuttings from the drillship. The Commission has determined that its concurrence is required only when the discharges from the exploratory drilling activities are within 1,000 meters of State waters. If the company includes consistency determinations for other OCS-related activities such as the Corps and NPDES permits, along with its consistency certification for the OCS plan, the Commission can act on all activities at once.

The federal permits can be granted only after the company has submitted a consistency certification for each permit activity, and after the Commission has concurred with these certifications. The Commission can impose requirements in the consistency concurrence with which the applicant must comply. These have required the applicant to provide certain onsite oil spill containment equipment and to keep the VTSS free from all structures. If the Commission concurs with the company's certification that the permit activities will be consistent with the CCMP, then all the federal permits reviewed can be granted. If the Commission objects, then it must support its objections by findings.

Once the company receives its consistency concurrence and federal permits, it can begin drilling the exploratory well, subject to USGS Pacific Region OCS Orders. OCS Orders cover, by number:

- identification requirements for wells, drillships and platforms (#1);
- drilling operations, such as casing and cementing requirements (#2);
- plugging and abandoning wells (#3);
- determination of well production rates (#4);
- production safety, including blow-out prevention equipment and best available and safest technology (#5);
- well completion for development operations (#6);
- pollution prevention and control, including discharges of solids, makeup of drilling muds, and oil spill contingency plans (#7);



**Figure 7**

- operating procedures for new platforms (#8);
- oil and gas pipeline safety and environmental protection (#9);
- oil and gas production rates to prevent waste of resources (#11);
- public inspection of records (only non-proprietary data) (#12);
- production measurement and comingling (#13); and
- approval of suspension of operations (#14).

Orders 6, 8, 9, 11, 13, and 14 deal with the development phase.

Under the Outer Continental Shelf Lands Act Amendments of 1978, DOI has some regulatory authority over OCS air emissions. These regulations are of great concern to California because the offshore wind patterns bring air pollutant emissions from OCS operations to the onshore areas. The Los Angeles Basin in particular already has severe problems in meeting air quality standards. The scope of the State's authority over air discharges from the OCS under the Clean Air Act is in litigation.

The USGS regularly inspects the OCS operations to ensure compliance with regulations and orders. The Coastal Commission has worked with USGS to include surveys of compliance with consistency requirements such as onsite oil spill containment and cleanup equipment.

*Plan of Development.* Following the discovery of an oil and gas field, the company's Plan of Development (POD) proceeds in much the same way as a POE in determining its consistency with the CCMP. However, the State and local governments also have *permit* authority for the support facilities proposed in the coastal zone.

First, the company submits a POD to USGS to develop and produce from an oil or gas field discovered during exploratory drilling. As with the POE, the POD includes an Environmental Assessment, Oil Spill Contingency Plan, drilling and production program, and permit applications to USGS to drill and lay gathering lines. Once USGS accepts the POD, it sends a copy of the POD to the Coastal Commission for consistency review. The company must prepare a more extensive consistency certification due to the scope and duration of the development phase. Many more Coastal Act policies will be involved, such as industrial development and public access, if a coastal zone facility is proposed.

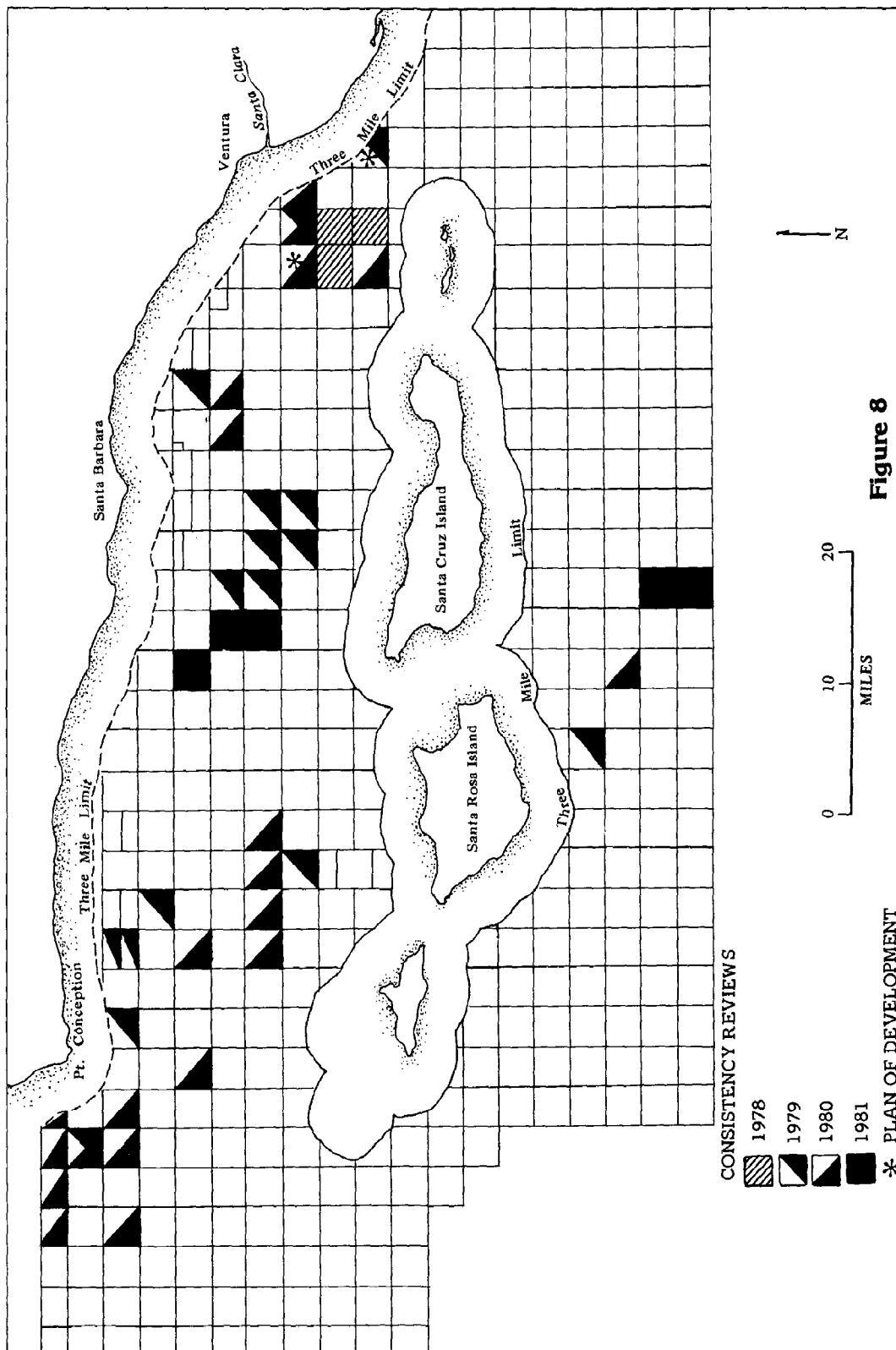
The staff of the Commission sends copies of the POD to other State agencies with the necessary technical expertise: State Lands Commission and Division of Oil and Gas (drilling operations), Division of Mines and Geology (geologic hazards), State Water Resources Control Board (pollution discharges and oil spill containment equipment), Department of Fish and Game (effect on marine resources and oil spill contingency plan), Department of Parks and Recreation, and the State Air Resources Board (air quality). In addition to these State agencies, the Commission sends copies of the POD to the affected local governments for review and comment, including the local Air Pollution Control Districts (APCDs).

The Commission's consistency review of a POD can focus only on activities on the OCS, such as platform placement, or can include associated onshore facilities such as a processing plant or pipeline. Because a coastal development permit is required for any coastal zone facilities, and information on onshore facilities is more general in consistency certification than that required by a permit application, the Commission has limited its consistency review to activities on the OCS with general policy guidance to a company for onshore development facilities. This policy by the Commission also aids the preparation or implementation of a Local Coastal Program. A discussion of this policy is included in Case Study #13 in the next chapter.

If the Commission has concurred with all the USGS, Corps, and EPA permit activities, then these federal agencies can issue the permit. However, in a POD, the USGS first prepares a lengthy Environmental Assessment, taking several months to a year to complete. In the past, the State and USGS have joined efforts to prepare a combined Environmental Assessment/EIR to analyze impacts on both the OCS and State environments where onshore facilities are included in the POD and where the environmental review period would be shortened. The Governor's Office of Planning and Research coordinates the many agencies involved in permit review at this stage. *It should be noted that consistency review usually occurs before local permit approval, including coastal development permits.*

Once the company receives its federal, state, and local permits, it may begin its development activities, again subject to OCS Orders, applicable lease stipulations and any special conditions imposed on this particular Plan of Development. USGS also conducts regular inspections of the operation to assure compliance with its regulations.





## CHAPTER 8

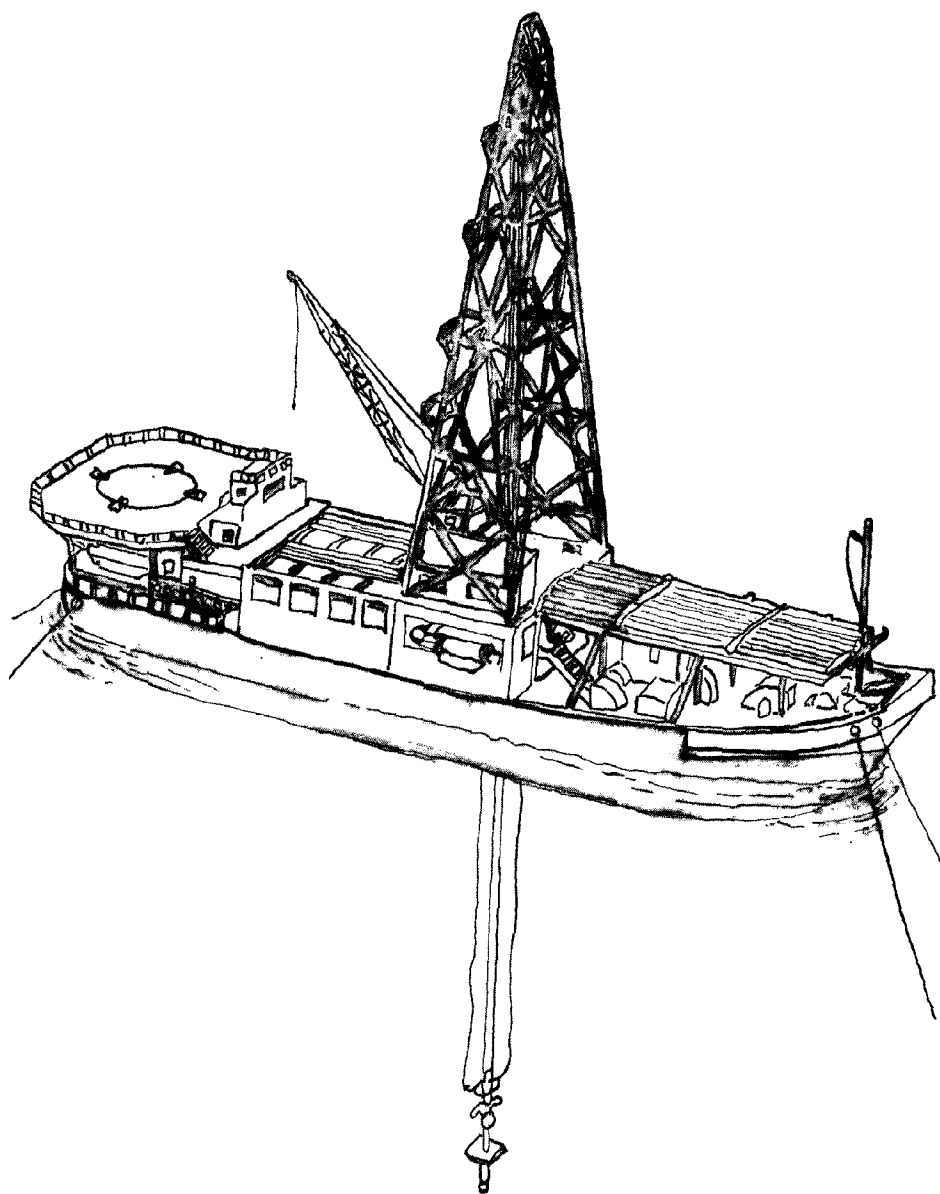
### OCS CONSISTENCY REVIEW CASE STUDIES

This chapter explores four examples of Coastal Commission actions under the consistency provisions of the Coastal Zone Management Act (CZMA) related to oil and gas development offshore in a known resource area, the Santa Barbara Channel:

- five OCS plans of exploration which raised concern over the adequacy of oil spill containment and cleanup equipment onsite;
- a Chevron OCS plan of exploration which proposed drilling within six nautical miles of Santa Rosa Island and raised concern over marine mammal and sensitive habitat protection;
- another Chevron plan of exploration which proposed drilling within six nautical miles of a sensitive habitat area and within the buffer zone of a vessel traffic lane posing safety problems; and
- a Union Oil plan of development for a platform in eastern Santa Barbara Channel, which involved consideration of the scope of consistency review as related to onshore processing facilities.

Outer Continental Shelf activity in the Santa Barbara Channel represents the conflicts inherent between development and resource preservation. The Channel ranks high in oil and gas resource potential as demonstrated by its inclusion in OCS Lease Sales 35, 48, 53, and 68. Offshore oil and gas drilling and production has occurred in the Channel since the 1950s. On the other hand, the northern Channel Islands are one of the last pristine environments left in California, and they serve as breeding and resting grounds for seabirds and marine mammals.

Two of the consistency case studies illustrate the Coastal Commission's process for considering the national interest as specified by the CZMA and the policies of the Coastal Act. In Case Study #11, the exploration of oil resources was authorized because alternative locations were infeasible and appropriate mitigation measures could substantially reduce the adverse environmental effects. On the other hand, in Case Study #12, the protection of marine species outweighed exploration because the adverse impacts on the marine resources could not be lessened by mitigation measures and the proposed drilling was not essential to productivity or development of an oil field.



DRILL SHIP

## CASE STUDY #10: CHALLENGER MINERALS, CHEVRON, CONOCO, AND TEXACO PLANS OF EXPLORATION

**Regardless of the precautions taken against well blowouts and resulting spills of crude oil in the open ocean, the state-of-the-art in oil spill control equipment cannot effectively contain spills in high seas conditions. The Commission has addressed this problem on numerous occasions and has developed standards to be included for onsite equipment to provide a first line of defense for oil spills in OCS plans of exploration and development. When the following plans of exploration (POEs) were submitted for consistency certification, the Commission decided to review the adequacy of these requirements to ensure that such equipment could control spills, as mandated by the Coastal Act.**

In the summer of 1980, the Commission reviewed five OCS plans of exploration for consistency determinations. These plans were submitted by four different oil companies. The five OCS parcels in the Santa Barbara Channel subject to exploration were not located in an area close to marine wildlife breeding areas (Figure 9). Because of the western

Channel's variable wind patterns, circular currents, and remote location, however, oil spillage and response to an oil spill were a concern.

The areas in the Channel most sensitive to oil spill effects are the breeding areas of marine mammals and seabirds on the offshore islands. Other valuable but less sensitive areas include kelp beds, open water fishing areas, rocky intertidal coastline, and boat harbors. Any coastal area, including sandy beaches, can be damaged by oil spills for a period of time. Because of the changing wind patterns and currents and the number of days an intact spill can stay on the water, a spill from any location in the Channel area can affect sensitive areas. Based on the results of the Bureau of Land Management (BLM) computer simulations of oil spill paths from different locations, the Inset shows the percentage of spills from each POE area that would hit the offshore islands within three days under the worst case assumptions. Spills from all locations generally would travel offshore. The worst cases show about a 32 percent chance that spills from west of Point Conception would hit San Miguel Island, a breeding area for several marine mammal species.

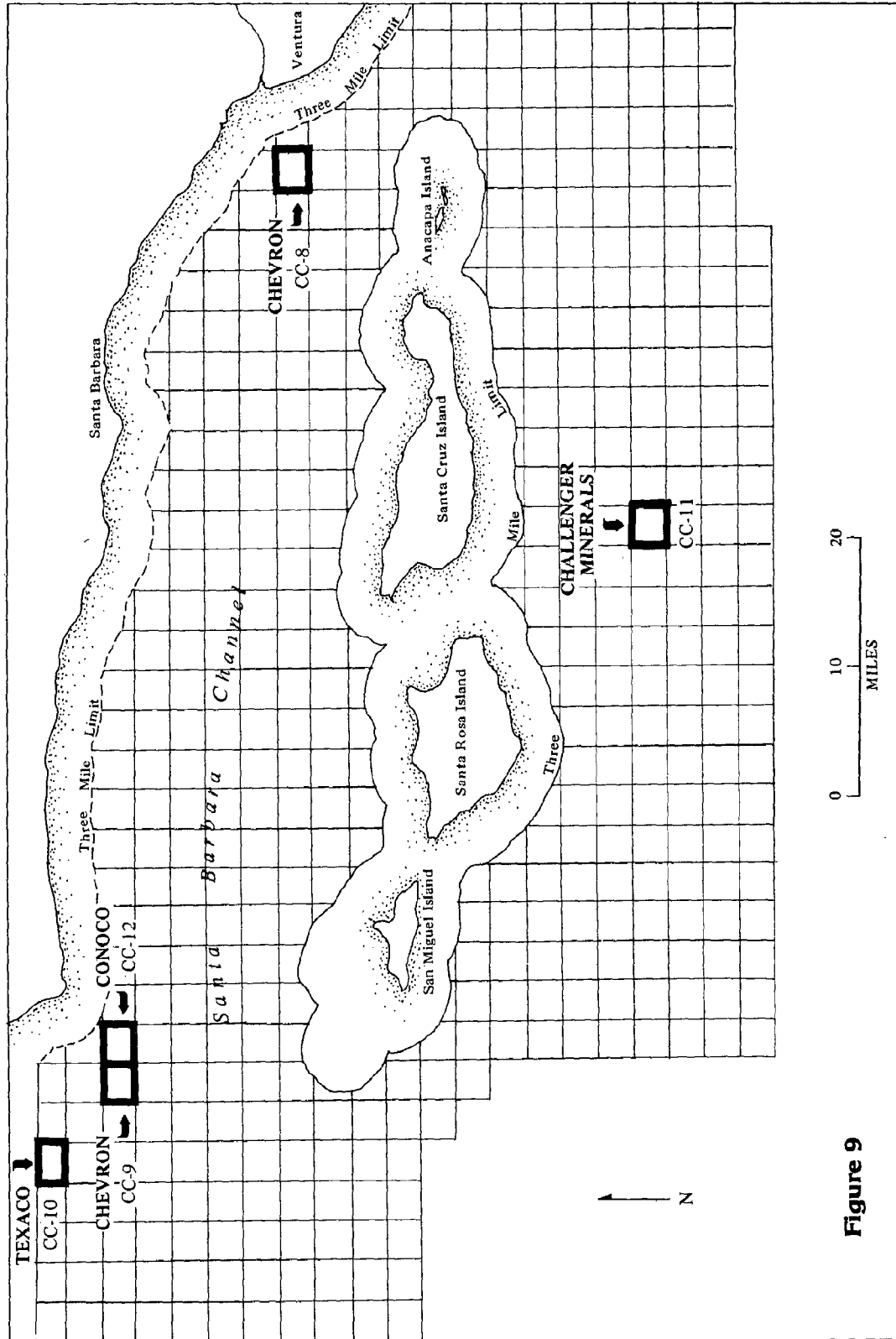
The companies submitting the five POEs agreed to have the same onsite oil spill containment equipment which the Commission required of fifteen previous POEs: (1) 1,500 feet of open ocean oil spill containment boom; (2) one oil skimming device

## OIL SPILL TRAJECTORIES FOR THE FIVE PLANS OF EXPLORATION

Probabilities (in percent) that an oil spill starting at the approximate location of each Plan of Exploration will reach certain land areas within 3 days.

- 1. CC-8-80 Lease Parcel 215, 7-8 miles southwest of Ventura**  
If spill occurs: Santa Cruz Island 9%  
Anacapa Island 21%
- 2. CC-9-80 Lease Parcel 324, 7-10 miles southwest of Point Conception**  
If spill occurs: San Miguel Island 32%  
Santa Rosa Island 15%
- 3. CC-10-80 Lease Parcel 315, 10 miles west of Point Conception**  
If spill occurs: San Miguel Island 18%  
Santa Rosa Island 1%
- 4. CC-11-80 Lease Parcel 248, 16 miles south of Santa Cruz Island**  
If spill occurs: San Nicholas Island 7%  
Begg Rock 2%
- 5. CC-12-80 Lease Parcel 325, 5 miles southwest of Point Conception**  
If spill occurs: San Miguel Island 32%  
Santa Rosa Island 15%





**Figure 9**

capable of open ocean use; (3) fifteen bales of oil sorbent material; and (4) a boat capable of deploying the oil spill boom on the site at all times or within fifteen minutes of the drilling vessel. The Commission allows the onsite boat to seek safe harbor if seas exceed six feet, though, both because of the difficulty in maintaining these boats onsite under high wave conditions and the drastically reduced efficiency of oil spill equipment in seas over six feet.

This equipment, however, cannot provide effective containment and cleanup under adverse weather conditions such as high wind and waves. Rather, the standards for onsite equipment are designed to provide a first line of defense for a major spill or to contain and cleanup small spills that may occur. The equipment must be able to surround the largest area possible within a short period of time. If the equipment is too large or difficult to handle, its purpose is defeated. For instance, logistical problems with deployment of oil spill containment boom in excess of 1,500 feet would lengthen deployment time and decrease the effectiveness of onsite equipment. "Speed of response is critical to the success of such efforts, because oil slicks are thickest immediately after the spill occurs and thus most easily contained and removed; water-soluble toxic hydrocarbons have not yet been released from the slick in large quantities; and the slick has less time to spread or move toward shore."\* The Commission staff has found that 1,500 feet of boom could be sufficient to contain a small slick in calm waters if the boom is in place within one hour after the spill. Therefore, the emphasis for first line defense is on

deploying the boom to contain the spill.

But even in a small spill of 238 barrels, recovery of the oil would probably require two additional workboats and a skimmer capable of collecting that much oil within several hours after arrival on the scene. Thus the second line of defense entails a speedy backup system. Oil companies operating offshore belong to oil spill cooperatives which have equipment capable of handling large offshore spills. It is essential that cooperative equipment and personnel be strategically located for rapid assistance, should that assistance be required.

The Commission found in September 1980 that the oil spill containment and cleanup equipment as specified in the proposed POEs again provided "maximum feasible mitigation at this time" and, therefore, concurred with the consistency certifications of Chevron, Texaco, Challenger, and Conoco. Concurrence by the Commission, however, was not an indication of satisfaction with the degree of protection afforded coastal resources by the oil spill containment and cleanup equipment referenced in these plans of exploration.

Current studies funded by the Commission are reviewing existing oil spill equipment and cleanup capabilities along the California coast (see Inset). The study may indicate the need to upgrade and increase standards for both onsite and onshore oil spill cleanup and containment capabilities and will be used in future consistency determinations.

\*The Governor's Office of Planning and Research, *Offshore Oil and Gas*, 1977.

## OIL SPILL RESPONSE CAPABILITY STUDY

### Background

In January 1969, an offshore well in the Santa Barbara Channel blew out and released 33,000 barrels of crude oil. In January 1971, the tankers, *Oregon Standard* and *Arizona Standard*, collided near the Golden Gate Bridge and spilled 20,000 barrels of Bunker C oil into the San Francisco Bay. In December of 1976, the tanker, *Sansinena*, blew up in Los Angeles Harbor, spilling 22,000 barrels of Bunker C oil. While spills of this magnitude are infrequent, their expected incidence can be statistically predicted. From the data available, the Pacific Region OCS Office of the Bureau of Land Management (BLM) has computed projected oil spill accident rates for operations in the Lease Sale 48 (Santa Barbara Channel) and 53 (Point Conception to the Oregon border) areas. These rates (number of spills of 1,000 barrels or more per billion barrels of oil handled) were applied to quantities of oil expected to be produced, pipelined, and tankered in the lease sale areas over the approximately 20-year life of the fields. In Lease Sale 48, five spills of 1,000 barrels or more are predicted.

Both history and predictions show the necessity of having adequate response capability to oil spills. The oil companies have joined together to form oil spill cooperatives which provide personnel, equipment, and plans for response to oil spills. These cooperatives will provide assistance to member companies, and on a contractual basis, to non-member companies and the U.S. Coast Guard. The Coastal Commission review of individual oil projects covers oil spill equipment and procedures at the site of oil operations, as well as the oil spill cooperatives. However, these reviews do not include comprehensive studies of the cooperative capabilities. It is essential, under the Coastal Act, for the Commission to assure that these cooperatives can provide the maximum feasible response capability to oil spills.

### Study Program

In March 1980, the Commission obtained federal assistance from the Coastal Energy Impact Program (CEIP) to study oil spill response and to make recommendations for improvement if necessary. The study seeks to determine the adequacy of the spill cleanup response on the California coast, with an emphasis on the five major oil spill cleanup cooperatives. Phase I of this study concentrates on Clean Seas Oil Spill Cooperative in Santa Barbara as a pilot study, because most of the California offshore oil development currently takes place along this portion of the coast. This phase assesses Clean Seas oil spill containment and cleanup equipment and the wind and wave conditions affecting its deployment and use. It reviews the planning of the Cooperative, as well as federal, state, and local planning efforts. Phase II of the study uses this same method to concurrently evaluate the other four California cooperatives: Southern California Petroleum Contingency Organization and Clean Coastal Waters (Los Angeles), Clean Bay (San Francisco), and the Humboldt Bay Oil Spill Cooperative. From the results of the study, the Commission will recommend standards on equipment and planning techniques to be implemented voluntarily by industry or government, or through future permits and federal consistency determinations, or both.

## **CASE STUDY #11: A PLAN OF EXPLORATION OFF SANTA ROSA ISLAND**

**The Coastal Commission must, based on the Coastal Act policies for protection of marine resources and environmentally sensitive habitats, assure that the marine mammals and seabirds on and around the Channel Islands are protected. Accordingly, any proposed oil or gas development within six nautical miles of the Channel Islands and offshore rocks is prohibited on leases sold in and after Lease Sale 48, to provide a buffer zone for protection of these valuable breeding, feeding, and resting areas. This case study discusses a plan for exploratory drilling within the six mile protective buffer zone of Santa Rosa Island on a parcel purchased prior to Lease Sale 48. The issues were, of course, protection of marine resources and the potential for oil spillage. Maximum feasible mitigation was required to minimize adverse impacts, which included limiting the time of drilling to a period of lowest marine mammal and seabird activity.**

In early 1979, Chevron USA, Inc. submitted a plan of exploration (POE) which proposed drilling one exploratory well on the Santa Rosa-Cortez Ridge approximately 4.3 miles south of Santa Rosa Island, one of the Santa Barbara Channel Islands (see map, Figure 10). No prior drilling had occurred south of Santa Rosa Island, but preliminary geologic data indicated that the location proposed for the exploratory well had the most potential for recoverable reserves of natural gas in this region. Chevron claimed that movement of the proposed well location 4.3 nautical miles from the island to a site at least six nautical miles away would preclude adequate exploration of the area. Because this location was deemed to be its best prospect, Chevron further claimed that if the well were a dry hole, it would relinquish its five other leases in the area.

The biological productivity and habitat values of the Channel Islands are protected by the Coastal Act, with which oil and gas exploration or development activities must be consistent (Sections 30230, 30240). In discussing the application of the Coastal Act policies to the proposed drilling within six nautical miles of Santa Rosa Island, the Commission explicitly recognized the "biological productivity and environmental sensitivity of the marine resources

that thrive in the Channel Islands environment." The Commission noted that Environmental Impact Statements for Lease Sales 35 and 48 and the proposed Channel Islands Marine Sanctuary have documented the fact that marine mammals and seabirds use the Channel Islands as resting and breeding areas and feed in surrounding waters. There is ample evidence that the island related marine environment, especially within six nautical miles of the islands, qualifies as environmentally sensitive habitat area. A buffer around the islands allows additional response time for oil spill cleanup efforts, and increases the distance between spill points (e.g., drillships and platforms) and sensitive resource areas to allow for weathering and dilution before the spilled oil reaches concentrations of marine mammals and seabirds.

Accordingly, the Commission found that because the proposed well was to be drilled within six nautical miles of Santa Rosa Island, it did not meet the requirements of the Coastal Act for protection of marine resources and environmentally sensitive habitat areas. Nonetheless, the POE qualified for further review as a coastal-dependent industrial facility and could be found consistent with the Coastal Act provided: (1) alternative locations were infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects were mitigated to the maximum extent feasible (Section 30260).

The Coastal Commission approached its analysis of these three factors within the framework of a Commission recommendation to the National Oceanic and Atmospheric Administration (NOAA) on the proposed Channel Islands Marine Sanctuary, which subsequently was approved by President Carter in 1980. NOAA's proposal to establish the sanctuary precluded future leasing within six nautical miles of the Channel Islands, but allowed exploration and development within the sanctuary on tracts which had been leased under previous lease sales. Existing leases on 15 tracts from Lease Sale 35 were located partially or entirely within six nautical miles of the Channel Islands.

In its recommendation to NOAA, the Commission developed a policy for reviewing proposed exploration within the six nautical mile buffer zone. If such exploration indicated the likelihood of an oil or gas field extending underneath the buffer zone, exploration to delineate the size of the field would be permitted inside the zone. Also, in the event that the applicant demonstrated with geophysical data that the most favorable hydrocarbon-bearing structure

can only be explored from within the buffer zone, such exploratory drilling may be permitted provided maximum feasible mitigation measures were taken.

During the consistency review of the proposed exploratory well, the Commission addressed each factor under Section 30260.

(1) *Alternative Locations.* The Commission considered two alternative locations to that proposed by Chevron: drilling of several wells outside the buffer area or drilling of a directional exploratory well from outside the buffer area into the most-favored potential gas-bearing region. Concerning the first alternative, Chevron testified that it would not drill in other areas because that would constitute an inefficient method of exploration when it believed it was absolutely necessary to drill in the proposed location. As to the second alternative, drilling contractors indicated that slant drilling from a floating drillship would be more hazardous than similar drilling from a platform. Chevron presented proprietary geophysical data to the Coastal Commission staff geologist which demonstrated that the proposed well location was necessary to determine the existence of natural gas in the region south of Santa Rosa Island. The Commission found, then, that alternative locations to this well were infeasible at this stage of exploration and under certain circumstances would have the potential for greater environmental damage. In addition, the proposed drilling location would provide better data on gas resources than the two proposed alternatives. The Commission further found that the information would be important in determining how development or production platforms could be located outside the six nautical mile buffer area consistent with Coastal Act policies in the event gas would be discovered.

(2) *Public Welfare.* Through analysis of this factor, the Coastal Commission considered the national interest in energy facility siting. The Commission found that an objection to this plan of exploration would adversely affect the public welfare, because there had been no previous drilling to determine oil and gas potential south of Santa Rosa Island and the well was proposed to be drilled on the most favorable geologic structure for a gas find.

(3) *Maximum Feasible Mitigation of Impacts.* The primary impact from exploratory drilling activities upon marine resources identified in the Commission findings was the potential for oil spills. Although geologic information for the area indicated that any hydrocarbons present were probably gas and not oil, the area had not been subjected to drilling before. In the event that oil was discovered and a spill were to occur, Chevron agreed to provide the additional onsite oil spill containment equipment which had been established in previous Commission consistency determinations for plans of exploration. While the discussion of oil spill trajectories in the Lease Sale 48 Environmental Impact Statement indicated low probability of oil movement toward the island, marine mammals and seabirds which feed in the open ocean could be impacted even if oil did not reach the island.

In seeking maximum feasible mitigation of the potential impacts to marine mammals and seabirds, the Commission staff consulted University of California, Santa Cruz studies prepared for the Bureau of Land Management which defined seasonal breeding, resting, and feeding patterns of marine mammals and seabirds in the Southern California Bight.\* The studies indicated that the period from March to mid-June, coincidentally the period proposed for drilling by Chevron, contained the greatest local activity along the southern shore of Santa Rosa Island, including harbor seal breeding and pupping and seabird nesting and feeding. Although the studies showed that the lowest concentration of marine mammals and seabirds occurred between August and December, activities south of Santa Rosa Island were significantly reduced after mid-June.

Even though Chevron claimed that an extensive drilling delay would not provide adequate time to explore other tracts outside of the buffer zone if gas was found in this well, the Commission found that commencement of drilling on or after June 15 would provide the maximum feasible protection of the marine mammals and seabirds while at the same time allowing Chevron a full six months of exploratory drilling prior to its lease termination.

Because of the Commission's long-standing interest in protection of the marine resources located

\*Outer Continental Shelf off Southern California.



on and around the Santa Barbara Channel Islands, the Commission findings on this plan of exploration included a very clear statement of its policy regarding production platforms within the buffer zone:

*Concurrence with the Exploration Plan for this one well in no way reflects a lessening of the Commission's recognition of the need for protection of the six nautical mile ocean buffer around the Channel Islands. It is the policy of this Commission that an oil and gas production platform cannot be located within six nautical miles from the Santa*

*Barbara Channel Islands and offshore rocks consistent with the California Coastal Management Program. A production platform within the six nautical mile area would represent an unacceptable disturbance to the sensitive marine resources surrounding the Channel Islands. . . . Any exploration by the oil industry within the six nautical mile buffer area shall be done with the knowledge of this policy. Therefore, any exploration within the buffer area shall be done to determine the extent of oil or gas resources in the area and how such resources can be produced from outside the buffer zone.*

## **CASE STUDY #12: A PLAN OF EXPLORATION OFF ANACAPA ISLAND**

**Several months after the Commission acted on Chevron's plan of exploration (POE) off Santa Rosa Island, Chevron USA, Inc. submitted another POE which proposed drilling one exploratory well 5.7 miles north of Anacapa Island within the six mile protective buffer zone and less than 500 yards from the northbound shipping lane of the Vessel Traffic Separation Scheme (VTSS), which the U.S. Coast Guard created to reduce the chances of collision between shipping vessels and OCS structures. Issues associated with the proposed drilling included vessel traffic safety and marine mammal and seabird protection. Unlike the previous case study, no mitigation was available to resolve the conflicts with the State's coastal management program and the Coastal Commission issued its first objection to an OCS plan of exploration under its consistency review authority.**

The previous case study clearly documents the Channel Islands as environmentally sensitive habitat area, providing major breeding and resting grounds for marine mammals and seabirds in the eastern north Pacific. The precedential establishment of a six nautical mile buffer zone around the islands supports this conclusion. Anacapa Island, in particular, is the only stable breeding area in the western United States for the California brown pelican. The brown pelican is on both the federal and State endangered species lists due to its threatened survival.

Chevron previously had drilled two wells on the OCS tract under consideration to delineate the oil and gas field. The first well indicated one side of a petroleum reservoir and the second penetrated what Chevron believed to be the middle of the Sockeye Field. This proposed third well would delineate the northern side of the field (see Figure 11). Chevron indicated that it would drill during autumn and early winter if the POE were approved. The company's analysis showed that a potential oil spill would have a 16 percent chance of reaching Anacapa Island during this period and, in the worst case, would arrive in 4.6 hours. This meant that a spill could reach Anacapa before additional oil spill equipment could arrive from Clean Seas on the mainland to supplement the onsite containment and cleanup equipment.

Case Study #10 mentioned that onsite equipment was designed only for a first line of defense and could

not adequately contain most spills. To compound this deficiency, a surprise drill conducted by Commission staff and the State Oil Spill Coordinator from the California Department of Fish and Game to test Chevron's ability to effectively use the required onsite equipment revealed that a boat capable of deploying the boom was not onsite nor within fifteen minutes of the drillship. And, only 1,000 feet of boom was deployed, not the 1,500 feet required.

Because of the lack of reliability of existing oil spill containment and cleanup measures for a major spill, the availability of spill response equipment did not guarantee that pelicans or other marine species would not come in contact with spilled oil. Research by the Bureau of Land Management suggested that brown pelicans are especially vulnerable to oil spillage because the fledglings spend a lot of time sitting and feeding in the waters surrounding the islands while learning to fly. In addition, any attempt at oil spill cleanup near Anacapa during the breeding season, from December through late August, could severely disrupt the colony because of their known sensitivity to disturbance on their rookeries.

Although the risk of an oil spill from the operation itself was low, the location of the drillship less than 500 yards from the shipping lane or VTSS increased this risk. The crew and supply boats servicing the drillship would be crossing the northbound shipping lane in the Channel, creating a risk of collision and resulting spill. Because the Coastal Act (Section 30262) indicates a concern for siting OCS facilities in locations where they will present a substantial hazard to navigation, the Commission has long opposed siting structures within a VTSS or within 500 yards of a VTSS.

When the Commission staff consulted with the Coast Guard, the Coast Guard did not deny that the drillship site in the buffer zone could create a substantial hazard to navigation safety. It had issued a statement of "no objection", however, due to the temporary nature of the operation, the use of special lights and buoys on the drillship and the notification to mariners that the drillship would be located there.

To determine the degree of hazard, if any, associated with the drillship's proposed location within the VTSS buffer zone, the Commission staff also consulted with the National Maritime Research Center which was using a computer simulated model of the Channel to analyze the response of different ship pilots to drillships in and near the VTSS. The preliminary study results showed that pilots veered away from the drillship when sighting it, causing them to go outside of the lanes in some instances





and potentially colliding with other vessels in the opposite traffic lane.

After considering this information, the Commission found that the policies of protecting marine and coastal resources were not met by the project because of the risks of oil spills and the impacts of spills on sensitive resources near the proposed drilling site. Similarly, the policy to protect environmentally sensitive areas was thwarted by the risk of a spill in an ocean area chosen by both the State and the federal government as one in need of special protection and designations. The Commission further found that the oil spill containment and cleanup equipment which would be available to Chevron in the event of a spill did not meet the policies of Section 30232 due to the inherent limits of the oil spill equipment and response capabilities to protect the California brown pelican around Anacapa Island. Finally, the Commission determined that the location of the drillship in the VTSS buffer zone would present a substantial hazard to navigation.

Because the POE qualified under the Commission's policy for OCS oil and gas leases bought before Lease Sale 48, which permits drilling within the six mile sanctuary buffer zone, the issue became whether the POE could meet the three criteria under Section 30260. During the consistency review, the Commission addressed each factor in this analysis.

(1) *Alternative Locations.* The Commission considered four alternative locations to that proposed by Chevron. The first alternative would increase the angle of drilling to a point considered infeasible by Chevron and unsafe by the State Lands Commission and USGS. The second alternative, moving the site further north, away from the six mile buffer to the island, would only put the site closer to or within the VTSS. Thus, these two alternatives appeared either technically infeasible or more environmentally damaging. The third alternative called for a second platform which would be viable only if the Coast Guard moved the VTSS outside of the Channel. The fourth alternative, erecting a platform on the north side of the field, regardless of its size, would be feasible. Consequently, the Commission found that the first criterion of Section 30260 was *not* met "because there is a feasible, less environmentally damaging location available."

(2) *Public Welfare.* There were several issues of national and State interest associated with this consistency determination which the Commission was required to consider: the need to determine the extent of the Sockeye Field to properly design a

platform and develop the field; the designation of the federal marine sanctuary; the protection of the brown pelican under the federal Endangered Species Act; designations of Anacapa Island as a National Park; and several State designations of the waters around Anacapa as a Marine Life Refuge, Oil and Gas Sanctuary, and Area of Special Biological Significance. Chevron had stated that it would install a platform to produce the field regardless of whether it drilled the exploratory well that was under consideration. Because the company could reach the southerly part of the field with a well drilled directionally from a platform installed in the northern section, the Commission determined that "foregoing drilling of this exploratory well will not preclude later exploration or development of the portion of the field in which Chevron now wants to drill." Therefore, it found that the public welfare would be adversely affected by its concurrence with the POE consistency certification.

(3) *Maximum Feasible Mitigation of Impacts.* The primary impact from exploratory drilling upon marine resources identified in the Commission findings is the potential for oil spills. The staff summary on the project indicated two mitigation measures that the Commission could impose on the POE. The first would limit drilling to a time of year that would least affect the brown pelican fledglings and other seabirds on the islands. This would be autumn, when the pelicans have learned to fly and are no longer sitting and feeding in the waters around Anacapa Island and when the pelicans are not breeding. This measure would not provide a full 60-90 day time period, though, necessary for exploratory drilling. The other measure would be for Chevron to drill at the time of year when the chances of spilled oil reaching Anacapa are the lowest and would take the longest time to reach the island area. This would occur during summer. *Therefore, the period of least potential harm to the pelicans from spilled oil was also the time that spilled oil would most likely reach the island area in the event of a spill.*

Consequently, the Commission found that the maximum feasible mitigation measure still left the pelican vulnerable to an unacceptable risk of harm, particularly in view of its endangered status. The six-week period from the end of October through early December, when risks to the breeding pelican population would be minimized, was not long enough for the eight to twelve-week period needed for exploratory drilling.

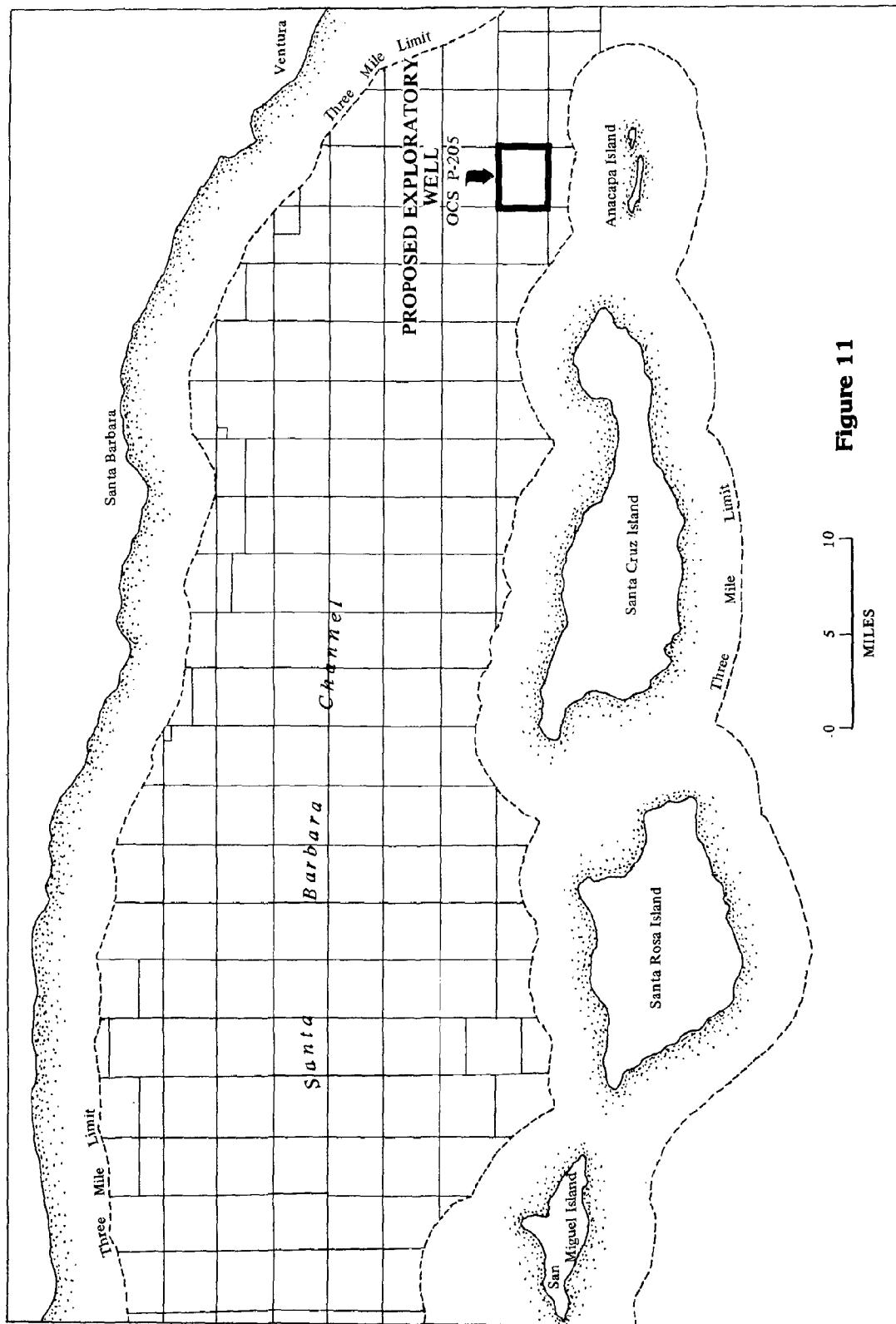
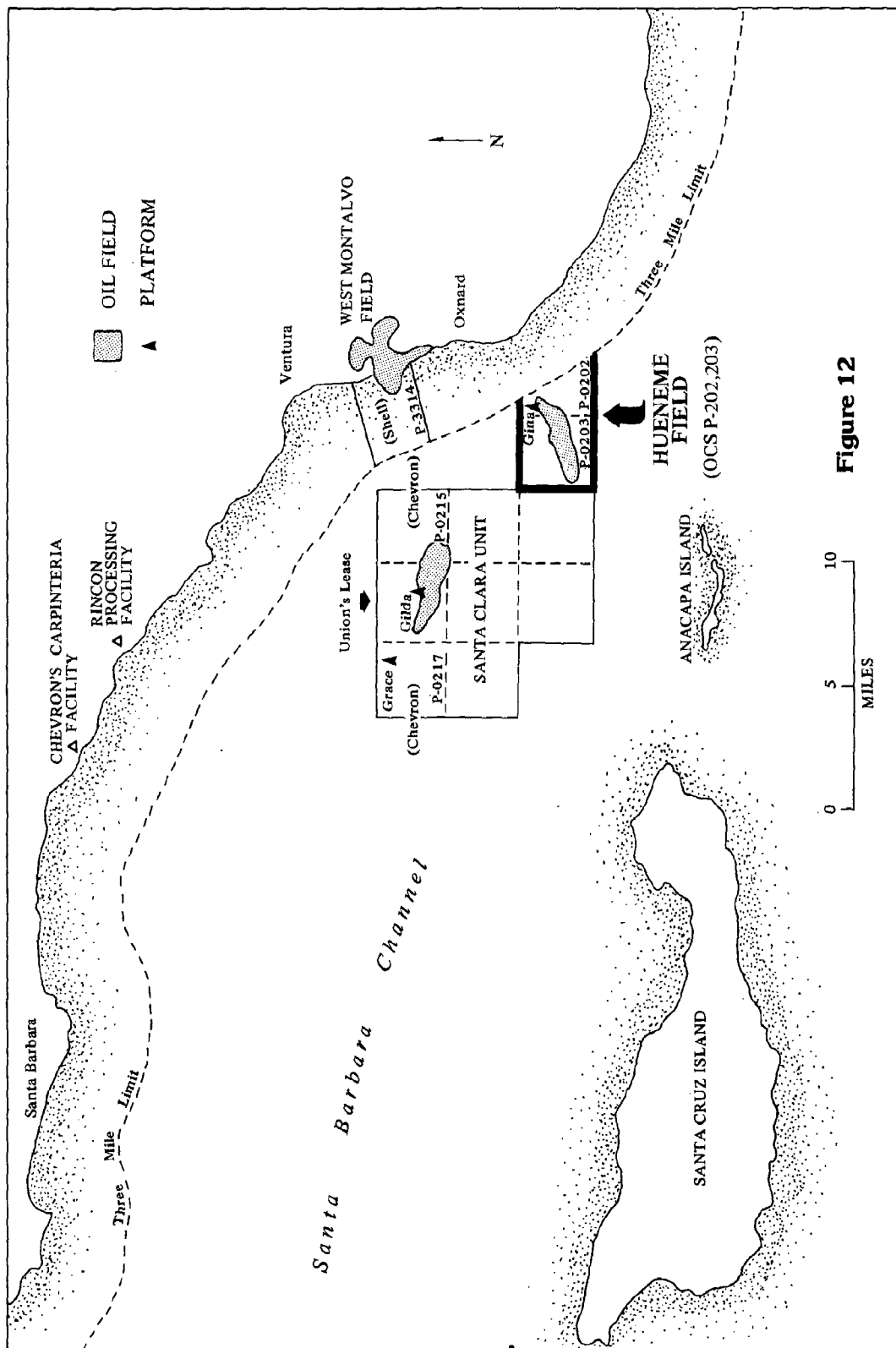


Figure 11

In conclusion, the POE did not meet any of the three criteria required under Section 30260. The Commission subsequently issued its first objection to a consistency certification, explaining how the activity was inconsistent with the specific mandatory provisions of the California Coastal Management

Program (CCMP) and what alternative measures existed for Chevron to achieve its purpose of developing the oil field in a manner consistent with the CCMP. Chevron did not appeal the Commission decision to the U.S. Secretary of Commerce.



**Figure 12**

## **CASE STUDY #13: UNION OIL PLAN OF DEVELOPMENT**

**In late 1979, the Coastal Commission conducted the first consistency review of a plan of development (POD) under the Coastal Zone Management Act (CZMA). Review of this plan considered the California Coastal Management Program (CCMP) policies for consolidation of offshore and onshore facilities. The consistency review provided a forum for Commission guidance to the applicant on alternatives to its proposed onshore processing facility. The following discussion demonstrates severe procedural difficulties when an agency is faced with a piecemeal rather than a comprehensive approach to planning.**

Union Oil Company proposed to construct a 15-slot platform (Platform Gina) in the Hueneme Field four and a half miles offshore (see Figure 12). The POD also proposed construction of pipelines from the platform to a proposed onshore processing facility. The Commission staff was faced with the option of focusing consistency review only on the offshore activities, such as platform placement and method of transportation, or of including associated onshore facilities in the Commission's review.

At the time of consistency review of Union's POD, an Environmental Impact Report for the proposed onshore facility was still in the preparatory stages under the City of Oxnard, designated the lead agency under the California Environmental Quality Act (CEQA) procedures. The staff recommended that the Commission should provide only policy guidance to the applicant for the onshore facilities in the coastal zone because consistency review took place at such an early stage in the entire project review process and because a future coastal development permit would be required for both the onshore processing facility and the portion of the pipelines crossing State waters. Consistency review thus should be limited to the federal permit activities on the OCS. While the Coastal Commission concurred in the consistency determination for the platform, it expressly reserved the right for it, or the affected local government after LCP certification, to consider the sizing and location of the onshore processing facility and pipeline through State waters when reviewing the coastal development permit for such facilities.

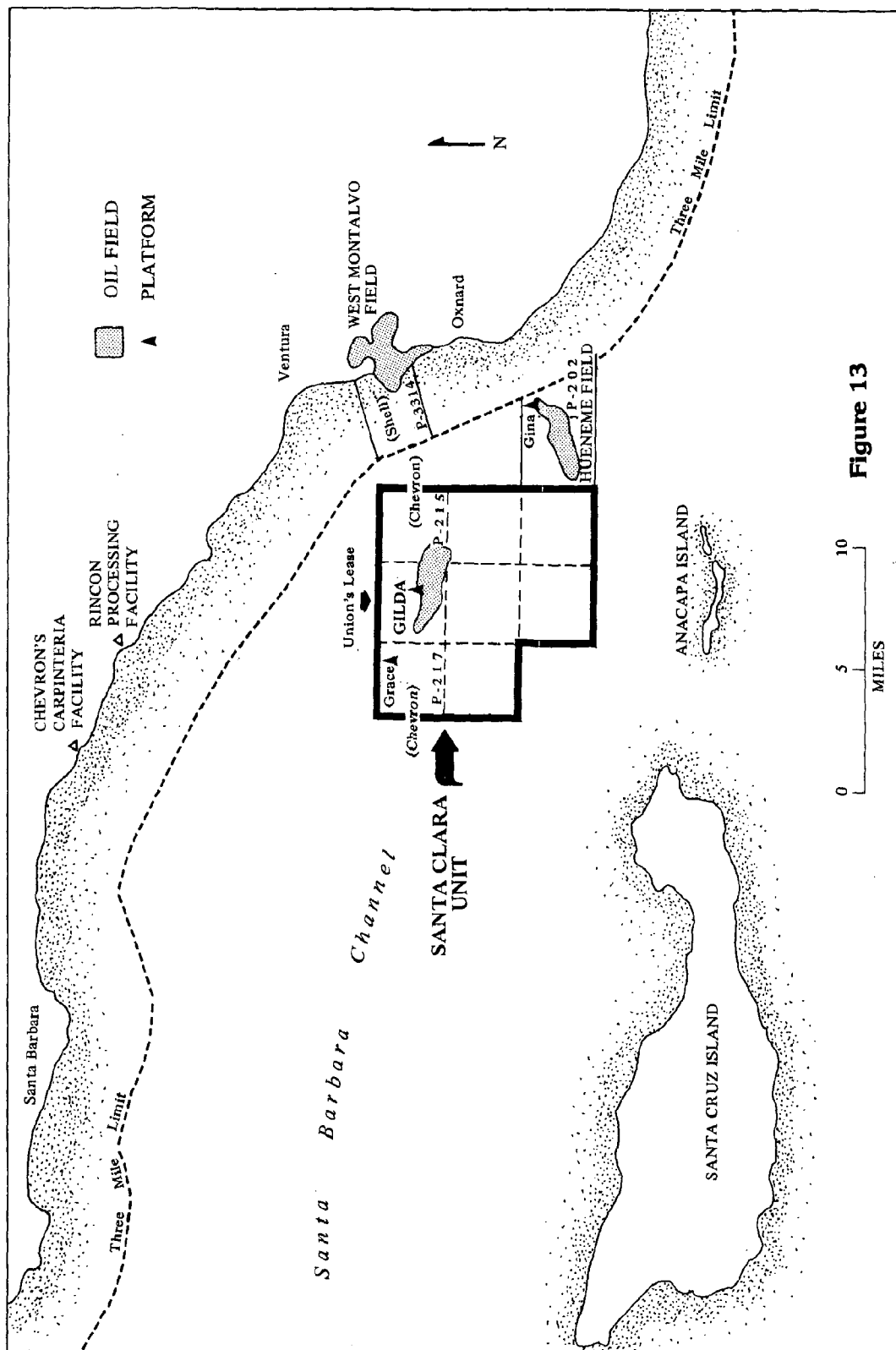
Peak production from Platform Gina was expected to be approximately 6,450 barrels of oil per day

(BPD). The POD included the proposal to transport the crude oil and gas from the platform to the proposed onshore processing facility via 6.5 mile long pipelines. In addition, Union proposed an onshore processing facility capable of processing 36,000 BPD of crude oil at the Mandalay Dunes near the City of Oxnard. Given the amount of oil projected from Platform Gina production, the capacity proposed for the processing facility appeared excessive. Upon further investigation, the Commission staff ascertained that Union Oil intended the onshore facility to handle production from a future platform.

In the midst of review of the POD for Platform Gina, Union submitted a second POD for Platform Gilda in the Santa Clara Unit, 12 miles from Platform Gina (see Figure 13). This piecemeal approach to planning increased the time necessary to analyze the project and to provide adequate guidance to Union to avoid conflict with the CCMP. The Coastal Commission utilized the full six-month period for consistency review provided in the CZMA, because the plan presented new consistency issues, and the consistency concurrence was the first regulatory approval provided to Platform Gilda.

The proposed Mandalay Dunes onshore processing facility was being sized to handle the production from Platform Gina as well as the expected production of 18,000-20,000 BPD from Platform Gilda (see Figure 14). It also could accommodate production from a lease in State waters owned by Shell Oil adjacent to the Hueneme Field. The Commission's consistency concurrence in the platform was based in part upon Union's agreement to provide one slot on Platform Gina for use by Shell in its development of an adjacent State lease, thereby consolidating facilities for the offshore portion of the project.

While the Coastal Commission did not render a decision on the location of the proposed onshore facilities, it used the consistency determination to provide guidance to Union for investigation of alternative sites for onshore processing which comply with Coastal Act policies requiring consolidation and mitigation of adverse environmental effects. The Commission suggested two onshore alternatives for analysis in the Environmental Impact Report: (1) pipelines to the existing Rincon processing facility partially owned by Union, or (2) pipelines to Chevron's Platform Grace in the Santa Clara Unit which ties into existing pipelines to the Carpinteria processing facility and alternative pipeline routes. Among the questions which the Coastal Commission requested Union to address prior to its deliberations on the onshore facility were:



**Figure 13**

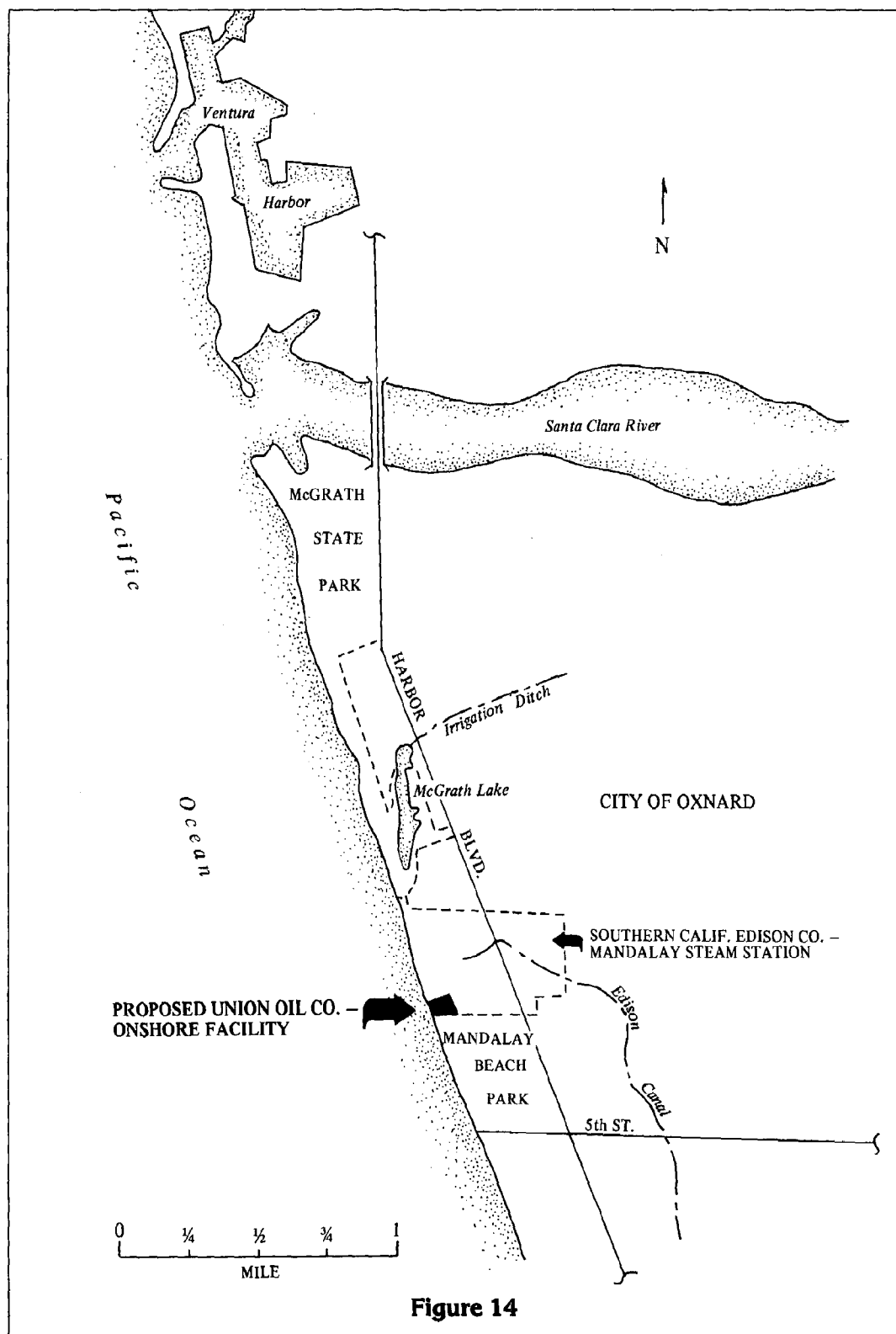
- Could Union process the oil and gas at other existing processing facilities such as Mobil's Rincon facility or Chevron's Carpinteria facility?
- Is the proposed new facility necessary?
- If the new facility is needed, why should it be sized to accommodate production from the Santa Clara Unit 12 miles away where Chevron is already installing pipelines to shore specifically sized to handle production from the entire Santa Clara Unit?

As mentioned above, Union also submitted a POD for proposed Platform Gilda in the Santa Clara Unit. Union proposed to run 9.9 mile long pipelines from this 90-slot platform to the proposed Mandalay Dunes onshore processing facility. Gilda would be located on a parcel adjacent to Chevron's Platform Grace less than three miles away. The oil and gas pipelines from Chevron's Platform Grace tie into Platform Hope in State waters which connects with existing lines to the Carpinteria processing facility. The Commission again decided to limit its consistency review to those activities for installation and operation of the platform and to review the onshore processing facility and portions of pipelines through State waters in the coastal development permit proceedings. The Commission concurred in the

federal permit activities for the offshore platform. Ten of the ninety slots on Platform Gilda were made available for use by Chevron in developing its adjacent lease in the Santa Clara Unit, thereby potentially eliminating the need for another Chevron platform. The Commission, therefore, found that Union's provision of 10 slots in its platform for Chevron met the consolidation policy of the Coastal Act.

In summary, this POD presented a timing problem inherent in the consistency review process. The requirement that a consistency determination be rendered by the State within six months appears to require concurrence in the offshore portion of the project before sufficient information is developed for adequate consideration of the onshore impacts. Accordingly, the review must be divided. These practical difficulties could be overcome if oil and gas companies engage in additional joint planning for onshore facilities and pipelines, and provide comprehensive information about future plans and alternatives to assist the State in planning for the siting of such facilities in the coastal zone, in accord with the Coastal Act policy for consolidation of facilities. The consistency review process, assuming that timing problems can be overcome, offers the potential for assuring that transportation and processing facilities for offshore oil are developed in a manner which maximizes their potential and avoids proliferation of unnecessary facilities.





## **ABBREVIATIONS**

APCD	Air Pollution Control District
ARB	Air Resources Board
ARCO	Atlantic Richfield Company
BLM	Bureau of Land Management
BPD	Barrels (of oil) per day
CCMP	California Coastal Management Program
CEIP	Coastal Energy Impact Program
CEQA	California Environmental Quality Act
CZMA	Coastal Zone Management Act
DOI	Department of the Interior
DWT	Deadweight tons
EA	Environmental Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
LCP	Local Coastal Program
LUP	Land Use Program
MLLW	Mean-low-low-water
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
OCS	Outer Continental Shelf
OPR	Office of Planning and Research
POD	Plan of Development
POE	Plan of Exploration
SCPCO	Southern California Petroleum Contingency Organization
USGS	United States Geological Survey
VTSS	Vessel Traffic Separation Scheme

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## Appendix A

### MASTER CHART OF ISSUES AND MITIGATION ADDRESSED IN CASE STUDIES

ISSUES	MITIGATION	RELATED CASE STUDIES
PROLIFERATION OF FACILITIES	<ol style="list-style-type: none"> <li>1. New development located at or near existing sites</li> <li>2. Consolidation of facilities</li> <li>3. Multicompany use of tanker facilities</li> <li>4. Use of excess capacity at existing facilities</li> </ol>	1,3,5,7,8 1,3,7,8,13 3 13
OIL SPILLAGE	<ol style="list-style-type: none"> <li>1. Effective, up-to-date oil spill contingency plan</li> <li>2. Specific oil spill containment and cleanup equipment required onsite</li> <li>3. Unscheduled onsite oil spill equipment deployment exercise</li> <li>4. Use of pipeline as preferred transportation method</li> <li>5. Limitation on oil throughput</li> <li>6. Automatic shutoff valves on liquid-carrying pipelines</li> <li>7. Construction or facility design criteria (e.g., berms)</li> <li>8. Route pipelines away from heavily used anchorage areas for shipping</li> </ol>	1,2,3,4,5,6,8,9,10,11,12,13 9,10,11,12,13 9 1,2,5 5 2 5,8 1
VESSEL TRAFFIC SAFETY	<ol style="list-style-type: none"> <li>1. No structures allowed within or 500 ft. of VTSS lanes</li> <li>2. Relocation of facility</li> </ol>	11,12 3
SAFETY HAZARDS	<ol style="list-style-type: none"> <li>1. Terminal operations manual</li> <li>2. Inspector access</li> <li>3. Risk management plan</li> <li>4. Use of inert gas tanks</li> <li>5. Fire prevention plan</li> </ol>	3,4 3,4 1,3,4 3,4 6
VISUAL AND SCENIC QUALITY	<ol style="list-style-type: none"> <li>1. Site restoration to original state (e.g., natural revegetation, original contours)</li> <li>2. Siting facilities off ridgetops</li> <li>3. Depressed grading of facilities</li> <li>4. Positioning of facilities on asymmetrical axis from public roads and viewsheds</li> <li>5. Landscaping or screening (e.g., fencing, planting vegetation)</li> </ol>	2,6,7,8 8 5 8 5,7,8
ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES	<ol style="list-style-type: none"> <li>1. Onsite monitoring by a professional archaeologist and a Native American representative</li> <li>2. Rerouting pipelines around site</li> <li>3. Relocation of materials</li> </ol>	2,6,8 2,6 2,6,8

ISSUES	MITIGATION	RELATED CASE STUDIES
BIOLOGICAL RESOURCES (including environmentally sensitive habitats)	<ol style="list-style-type: none"> <li>1. Confinement of construction activities</li> <li>2. Relocation of facilities outside sensitive area</li> <li>3. Establishment of protective buffer zones</li> <li>4. Directional drilling from outside sensitive area</li> <li>5. Limitation of activities during periods of high biological activity (e.g., flowering, breeding)</li> <li>6. Consolidation of facilities</li> </ol>	6,8 8 11,12 8,11 8,11 6,8,13
SEISMIC HAZARDS	<ol style="list-style-type: none"> <li>1. Structural design criteria</li> <li>2. Relocate facilities</li> </ol>	2,6
GEOLOGIC HAZARDS	<ol style="list-style-type: none"> <li>1. Prohibit construction during rainy season</li> <li>2. Grading plans</li> </ol>	6 2,6
NOISE	<ol style="list-style-type: none"> <li>1. Landscaping or screening</li> <li>2. Limit operation hours</li> <li>3. Insulation of noise generating equipment</li> </ol>	7 7 6
PUBLIC ACCESS	<ol style="list-style-type: none"> <li>1. Bicycle trails, pedestrian walkways</li> </ol>	2

**Appendix B**  
**COASTAL ACT OF 1976**

**CHAPTER 3**

**COASTAL RESOURCES PLANNING  
AND  
MANAGEMENT POLICIES**

**ARTICLE 1**

**GENERAL**

**Section**

30200 Policies as standards.

**ARTICLE 2**

**PUBLIC ACCESS**

30210 Access; recreational opportunities; posting.  
30211 Development not to interfere with access.  
30212 New development projects; provision for access; exceptions.  
30212.5 Public facilities; distribution.  
30213 Development of facilities; low cost housing; preferences.  
30214 Public access policies; implementation.

**ARTICLE 3**

**RECREATION**

30220 Protection of certain water-oriented activities.  
30221 Oceanfront land; protection for recreational use and development.  
30222 Private lands; priority of development purposes.  
30223 Upland areas.  
30224 Recreational boating use; encouragement; facilities.

**ARTICLE 4**

**MARINE ENVIRONMENT**

30230 Marine resources; maintenance.  
30231 Biological productivity; waste water.  
30232 Oil and hazardous substance spills.  
30233 Diking, filling or dredging.  
30234 Commercial fishing and recreational boating facilities.  
30235 Revetments, breakwaters, etc.  
30236 Water supply and flood control.

## **ARTICLE 5**

### **LAND RESOURCES**

#### **Section**

- 30240 Environmentally sensitive habitat areas; adjacent developments.
- 30241 Prime agricultural land; maintenance in agricultural production.
- 30242 Lands suitable for agricultural use; conversion.
- 30243 Productivity of soils and timberlands; conversions.
- 30244 Archaeological or paleontological resources.

## **ARTICLE 6**

### **DEVELOPMENT**

- 30250 Location, generally.
- 30251 Scenic and visual qualities.
- 30252 Maintenance and enhancement of public areas.
- 30253 Safety, stability, pollution, energy conservation, visitors.
- 30254 Public works facilities.
- 30255 Priority of coastal-dependent developments.

## **ARTICLE 7**

### **INDUSTRIAL DEVELOPMENT**

- 30260 Location or expansion.
- 30261 Use of tanker facilities; liquefied natural gas terminals.
- 30262 Oil and gas development.
- 30263 Refineries or petrochemical facilities.
- 30264 Thermal electric generating plants.



## **ARTICLE 1**

### **GENERAL**

#### **Section 30200.**

Consistent with the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

## **ARTICLE 2**

### **PUBLIC ACCESS**

#### **Section 30210.**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

#### **Section 30211.**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

#### **Section 30212.**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the regional commission or the commission determines that such activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1979.)

#### **Section 30212.5.**

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

#### **Section 30213.**

Lower cost visitor and recreational facilities and housing opportunities for persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

*Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

(Amended by Ch. 1191, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

#### **Section 30214.**

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

(Added by Ch. 919, Stats. 1979.)

### **ARTICLE 3**

#### **RECREATION**

#### **Section 30220.**

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

#### **Section 30221.**

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

(Amended by Ch. 380, Stats. 1978.)

**Section 30222.**

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

**Section 30223.**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Section 30224.**

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

**ARTICLE 4**

**MARINE ENVIRONMENT**

**Section 30230.**

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

**Section 30231.**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

#### **Section 30232.**

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

#### **Section 30233.**

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that no less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(Amended by Ch. 673, Stats. 1978.)

#### **Section 30234.**

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

#### **Section 30235.**

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

#### **Section 30236.**

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

**ARTICLE 5**  
**LAND RESOURCES**

**Section 30240.**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

**Section 30241.**

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(d) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

**Section 30242.**

All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

**Section 30243.**

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

**Section 30244.**

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

**ARTICLE 6**

**DEVELOPMENT**

**Section 30250.**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

**Section 30251.**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.



**Section 30252.**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

**Section 30253.**

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

**Section 30254**

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

#### **Section 30255.**

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

(Amended by Ch. 1090, Stats. 1979.)

### **ARTICLE 7**

#### **INDUSTRIAL DEVELOPMENT**

#### **Section 30260.**

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

#### **Section 30261.**

(a) Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(b) Because of the unique problems involved in the importation, transportation, and handling of liquefied natural gas, the location of terminal facilities therefore shall be determined solely and exclusively as provided in Chapter 10 (commencing with Section 5550) of Division 2 of the Public Utilities Code and the provisions of this division shall not apply unless expressly provided in such Chapter 10.

(Amended by Ch. 855, Stats. 1977.)

## **Section 30262.**

Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

(a) The development is performed safely and consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

#### **Section 30263.**

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) In addition to meeting all applicable air quality standards, new or expanded refineries or petrochemical facilities shall be permitted in areas designated as air quality maintenance areas by the State Air Resources Board and in areas where coastal resources would be adversely affected only if the negative impacts of the project upon air quality are offset by reductions in gaseous emissions in the area by the users of the fuels, or, in the case of an expansion of an existing site, total site emission levels, and site levels for each emission type for which national or state ambient air quality standards have been established do not increase.

(c) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

#### **Section 30264.**

Notwithstanding any other provisions of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

## **Appendix C**

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT PERMIT REVIEW AND TIMETABLE**

#### **THE CEQA PROCESS**

The California Environmental Quality Act (CEQA) requires all local and state public agencies to prepare and certify environmental impact reports (EIRs) on any projects possibly resulting in substantial adverse environmental changes. The State Legislature further refined the CEQA process in 1977 when it passed the Permit Streamlining Act. This Act establishes a timetable for project review and approval, including EIR preparation and certification or negative declaration (see timetable), as well as coordination procedures for affected local and state public agencies to follow.

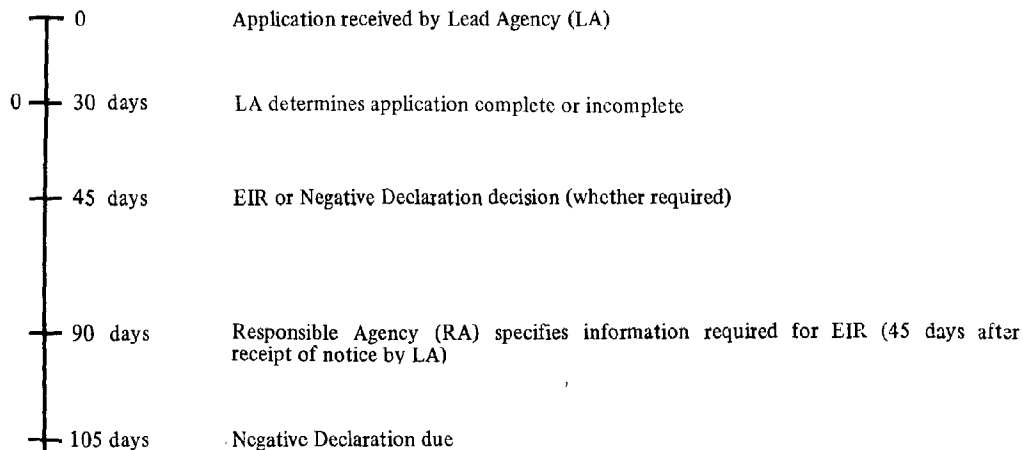
Specifically, the agency with principal responsibility for carrying out or approving a development project is designated lead agency (LA). This agency must both complete and certify an EIR on the project or a negative declaration and approve or deny that project within one year. Otherwise, the project is automatically approved. A 90-day extension can be granted with the consent of the applicant.

Any other public agency from which a lease, permit or other entitlement of use is required for such project is designated a responsible agency (RA). While the lead agency must consider the individual and collective effects of all project activities, the responsible agency considers only the effects of those activities which it is required by law to carry out or approve. It has 180 days after the lead agency takes action to approve or deny the application.

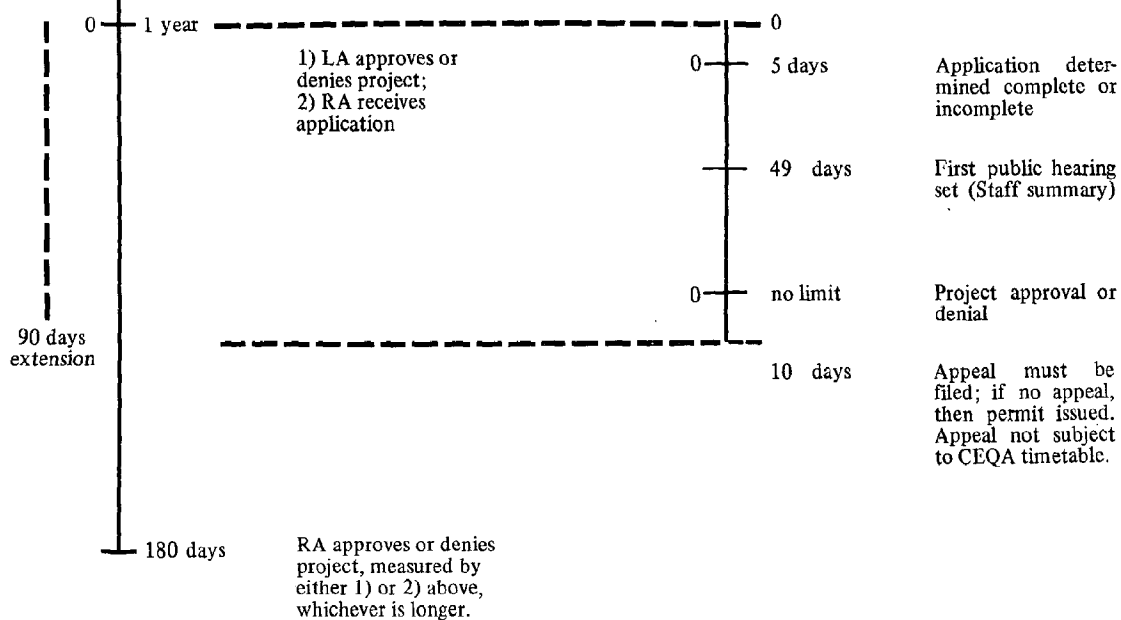
The following timetable represents maximum time deadlines. Agencies are encouraged to review and to act on project applications at the earliest opportunity.

## APPENDIX C CONTINUED

### STATE PERMIT REVIEW TIMETABLE UNDER CEQA



### COASTAL DEVELOPMENT PERMIT TIMETABLE (California Coastal Act)



## Appendix D

### CALIFORNIA COASTAL COMMISSION REGULATIONS FOR REGULAR PERMITS

260.22

NATURAL RESOURCES

**TITLE 14**  
(Register 78, No. 32—8-12-78)

#### SUBCHAPTER 1. REGULAR PERMITS

##### Article 1. When Local Applications Must be Made First

**13052. When Required:** When development for which a permit is required pursuant to Public Resources Code, Section 30600 or 30601 also requires a permit from one or more cities or counties or other state or local governmental agencies, a permit application shall not be accepted for filing by the Executive Director unless all such governmental agencies have granted at a minimum their preliminary approvals for said development. An applicant shall have been deemed to have complied with the requirements of this Section when the proposed development has received approvals of any or all of the following aspects of the proposal, as applicable:

- (a) Tentative map approval;
- (b) Planned residential development approval;
- (c) Special or conditional use permit approval;
- (d) Zoning change approval;
- (e) All required variances, except minor variances for which a permit requirement could be established only upon a review of the detailed working drawings;
- (f) Approval of a general site plan including such matters as delineation of roads and public easement(s) for shoreline access;
- (g) A final Environmental Impact Report or a negative declaration, as required, including (1) the explicit consideration of any proposed grading; and (2) explicit consideration of alternatives to the proposed development; and (3) all comments and supporting documentation submitted to the lead agency;
- (h) Approval of dredging and filling of any water areas;
- (i) Approval of general uses and intensity of use proposed for each part of the area covered by the application as permitted by the applicable local general plan, zoning requirements, height, setback or other land use ordinances;
- (j) In geographic areas specified by the Executive Director of the Commission or Regional Commission, evidence of a commitment by local government or other appropriate entity to serve the proposed development at the time of completion of the development, with any necessary municipal or utility services designated by the Executive Director of the Regional Commission or Commission;
- (k) A local government coastal development permit issued pursuant to the requirements of Chapter 7 of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30334 and 30620, Public Resources Code.

- History:*
- 1. Amendment of subsection (g) and refiling of subsection (j) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
  - 2. Amendment filed 10-20-77 as an emergency; effective upon filing (Register 77, No. 43).
  - 3. Amendment filed 1-19-78; effective thirtieth day thereafter (Register 78, No. 3).

**TITLE 14****CALIFORNIA COASTAL COMMISSION****§ 13053.4****(Register 79, No. 22—6-2-79)****(p. 260.22.1)****13053. Where Preliminary Approvals are Not Required.**

(a) The executive director may waive the requirement for preliminary approval by other federal, state or local governmental agencies for good cause, including but not limited to:

(1) The project is for a public purpose;

(2) The impact upon coastal zone resources could be a major factor in the decision of that state or local agency to approve, disapprove, or modify the development;

(3) Further action would be required by other state or local agencies if the coastal commission(s) requires any substantial changes in the location or design of the development;

(4) The state or local agency has specifically requested the coastal commission to consider the application before it makes a decision or, in a manner consistent with the applicable law, refuses to consider the development for approval until the coastal commission acts, or

(5) A draft Environmental Impact Report upon the development has been completed by another state or local governmental agency and the time for any comments thereon has passed, and it, along with any comments received, has been submitted to the regional commission and the commission at the time of the application.

(b) Where a joint development permit application and public hearing procedure system has been adopted by the commission and another agency pursuant to Public Resources Code Section 30337, the requirements of Section 13052 shall be modified accordingly by the commission at the time of its approval of the joint application and hearing system.

(c) The executive director may waive the requirements of Section 13052 for developments governed by Public Resources Code, Section 30606.

(d) The executive director of the commission may waive the requirement for preliminary approval based on the criteria of Section 13053(a) for those developments involving uses of more than local importance as defined in Subchapter 1 of Chapter 8.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**Article 2. Application for Permit****13053.4. Single Permit Application.**

(a) To the maximum extent feasible, functionally related developments to be performed by the same applicant shall be the subject of a single permit application. The executive director shall not accept for filing a second application for development which is the subject of a permit application already pending before the regional commission or the commission. This section shall not limit the right of an applicant to amend a pending application for a permit in accordance with the provisions of Section 13072.

(b) The executive director shall not accept for filing an application for an amendment to a permit until such permit becomes final.



(c) The executive director shall not accept for filing an application for development on a lot or parcel or portion thereof which is the subject of a pending proposal for an adjustment to the boundary of the coastal zone pursuant to Public Resources Code Section 30103(b).

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620(a) (1), Public Resources Code.

**HISTORY:**

1. Repealer of Article 2 (Sections 13053.5 and 13053.6) and new Article 2 (Sections 13053.4-13053.6) filed 5-29-79; effective thirtieth day thereafter (Register 79, No. 22). For history of former article, see Registers 79, No.10; 79, No. 9; and 77, No. 24.

**13053.5. Application Form and Information Requirements.**

The permit application form shall require at least the following items:

(a) An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the Regional Commission will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.

(b) A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved, e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain. If the person proposing the development is the lessee of the property, all superior lessors including the owner of the fee interest in the property shall join the lessee as co-applicants.

(c) A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.

(d) The applicant shall furnish to the Regional Commission, at the time of submission of the application, either one (1) copy of each drawing, map, photograph, or other exhibit approximately 8½ in. by 11 in., or if the applicant desires to submit exhibits of a larger size, enough copies reasonably required for distribution to those persons on the Regional Commissions mailing lists and for inspection by the public in the Regional Commission office. A reasonable number of additional copies may, at the discretion of the Executive Director, be required.

**TITLE 14****CALIFORNIA COASTAL COMMISSION****§ 13054****(Register 79, No. 22—6-2-79)****(p. 260.23)**

(e) Any additional information deemed to be required by the commission or the regional commission's executive director for specific categories of development or for development proposed for specific geographic areas.

(f) The form shall also provide notice to applicants that failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by these regulations may result in delay in processing the application or may constitute grounds for revocation of the permit.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620(a) (1), Public Resources Code.

**13053.6. Amendment of Application Form.**

The executive director of the commission may, from time to time, as he or she deems necessary, amend the format of the application form, provided, however, that any significant change in the type of information requested must be approved by the commission. The regional commissions may add supplementary sheets to the application form requesting information pertinent to the specific region and subject to the approval of the executive director of the commission or of the commission consistent with the requirements of this section.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620(a) (1), Public Resources Code.

**Article 3. Notice****13054. Notification Requirements.**

(a) For applications filed after the effective date of this subsection, the applicant shall provide notice to adjacent landowners and residents as provided in this section. The applicant shall provide the regional commission with a list of the addresses of all residences, including apartments, and all parcels of real property of record located within one hundred feet of the perimeter of the parcel on which the development is proposed and the name and address of the owner of record, on the date on which the application is submitted, of any such parcel which does not have an address or is uninhabited. This list shall be part of the public record maintained by the regional commission for the application. The applicant shall also provide the regional commission with stamped envelopes for all parcels described above. Separate stamped envelopes shall be addressed to "owner" and to "occupant" except that for parcels which do not have addresses or are not occupied, the envelopes shall include the name and address of the owner of record of the parcel. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The executive director shall provide an appropriate stamp for the use of applicants in the regional commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The executive director may waive this requirement and may require that some other suitable form of notice be provided by the applicant to those interested persons, upon a showing that this requirement would be unduly burdensome; a statement of the reasons for the waiver shall be placed in the project file.

(b) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the regional commission. Such notice shall contain a general description of the nature of the proposed development. The regional commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting, the executive director of the regional commission shall refuse to file the application, or shall withdraw the application from filing if it has already been filed when he or she learns of such failure.

(c) Pursuant to Sections 13104-13108.5, the regional commission or the commission shall revoke a permit if it determines that the permit was granted without proper notice having been given.

- History:* 1. Amendment to subsections (a) and (c) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).  
2. Amendment of subsection (a) filed 8-22-77 as an emergency; effective upon filing (Register 77, No. 35).  
3. Amendment of subsection (a) filed 9-30-77, effective thirtieth day thereafter (Register 77, No. 40).

#### **Article 4. Schedule of Fees for Filing and Processing Permit Applications**

**13055. Fees.** (a) Permit filing and processing fees, to be paid by check or money order at the time of the filing of the permit application, shall be as follows:

(1) Twenty-five dollars (\$25) for any development qualifying for an administrative or emergency permit.

(2) Fifty dollars (\$50) for single-family homes or for any development of a type or in a location such that it would ordinarily be scheduled for the consent calendar.

(3) Seventy-five dollars (\$75) for divisions of land where there are single-family homes already built and only one new lot is created by the division and for multi-family units up to 4 units, or for any other development not otherwise covered herein with a development cost of less than \$100,000.

(4) Two-hundred and fifty dollars (\$250) or fifteen dollars (\$15) per unit, whichever is greater, but not to exceed two-thousand five-hundred dollars (\$2,500) for multi-unit residential development greater than 4 units, or for any other development not otherwise covered herein with a development cost of more than \$100,000 but less than \$500,000. Two-hundred and fifty dollars (\$250) for office, commercial, convention or industrial development of less than 10,000 gross square feet.

(5) Five hundred dollars (\$500) for office, commercial, convention or industrial development of more than 10,000 but less than 25,000 gross square feet, or for any other development not otherwise covered herein with a development cost of more than \$500,000 but less than \$1,250,000.

(6) One thousand dollars (\$1,000) for office, commercial, convention or industrial development of more than 25,000 but less than 50,000 gross square feet or for any other development not otherwise covered herein with a development cost of more than \$1,250,000 but less than \$2,500,000.

(7) One thousand five hundred dollars (\$1,500) for office, commercial, convention or industrial development of more than 50,000 but less than 100,000 gross square feet or for any other development not covered otherwise herein with a development cost of more than \$2,500,000 but less than \$5,000,000.

(8) Two thousand five hundred dollars (\$2,500) for office, commercial, convention or industrial development of more than 100,000 gross square feet or for any other development cost of more than \$5,000,000 and for any major energy production and fuel processing facilities, including but not limited to, the construction or major modification of offshore petroleum production facilities, tanker terminals and mooring facilities, generating plants, petroleum refineries, LNG gassification facilities and the like.

(b) Where a development consists of land division, each lot shall be considered as one residential unit for the purpose of calculating the application fee. Such residential unit shall include a single family house, if proposed together with the land division. Conversion to condominiums shall be considered a division of the land.

(c) The application fee shall be determined from the type and size of the proposed development, except that where there is conflict over the applicable fee, the executive director may use the project cost to determine the fee.

(d) In addition to the above fees, the regional commission or the commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.

(e) The executive director may waive the application fee in full or in part where the application concerns the same site and a project substantially the same as an application previously processed by the regional commission and no substantial staff work is required.

(f) The executive director shall waive the application fee where requested by resolution of the commission.

*History:* 1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

#### Article 5. Determination Concerning Filing

**13056. Filing.** A permit application submitted on the form or format issued pursuant to Sections 13053.5 and 13053.6, together with all necessary attachments and exhibits, and a filing fee pursuant to Section 13055, shall be deemed 'filed' after having been received and found in proper order by the executive director of the regional commission. Said review shall be completed within a reasonable time, but unless there are unusual circumstances, no later than five (5) working days after the date it is received in the offices of the regional commission during the normal working hours of said office. A determination by the executive director that an application form is incomplete may be appealed to the regional commission for its determination as to whether the permit application may be filed. The executive director shall cause a date of receipt stamp to be affixed to all applications for permits on the date they are so received and a stamp of the date of filing on the date they are so filed.

*History:* 1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**Article 6. Application Summaries**

**13057. Contents.**

(a) The executive director shall prepare and reproduce a summary of each application officially filed except as provided for administrative permits in Section 13153. The summary shall be brief and understandable, and shall fairly present a description of the significant features of the proposed development, using the applicant's words wherever appropriate. The application summary shall be illustrated with the maps or drawings and shall contain either the Environmental Impact Report or the Environmental Impact Statement prepared for the development, if such a report was prepared, or a summary of the Environmental Impact Report or Environmental Impact Statement as it relates to the issues of concern to the commission. Staff comments shall also be included in the summary concerning (1) questions of fact, (2) the applicable policies of the California Coastal Act of 1976, (3) related previous applications, (4) any issues of the legal adequacy of the application to comply with the requirements of the California Coastal Act of 1976, (5) public comment on the application, (6) written response to significant environmental points raised by members of the public or other public agencies, (7) prior decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625(c) may be a precedent(s) for the issues raised by the application and (8) other relevant matters. The staff comments shall be clearly labeled to distinguish them from the comments of the applicant and interested persons. The summary may include a tentative staff recommendation as to whether a permit should be granted or denied. If a tentative staff recommendation is included in the application summary, it shall conform to the requirements of Sections 13073-13077.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13058. Consolidation.**

The executive director may consolidate two or more applications which are legally or factually related for purposes of preparation of staff documents and/or public hearing unless a party thereto makes a sufficient showing to the regional commission that the consolidation would restrict or otherwise inhibit the regional commission's ability to review the developments for consistency with the requirements of the California Coastal Act of 1976. Any such consolidation of permit applications shall conform to the requirements of Public Resources Code, Section 30621. A separate vote shall be taken for each application if requested by the applicant.

**HISTORY:**

1. New section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13059. Distribution.**

The application summary, shall be distributed by mail to all members of the regional commission, to the applicant(s), to all affected cities and counties, all public agencies which have jurisdiction, by law, with respect to the proposed development, and to all other persons known or thought by the executive director to have a particular interest in the application, within a reasonable time to assure adequate notification to all interested parties prior to the scheduled public hearing. The application summary may either accompany the meeting notice required by Section 13015 or may be distributed separately. Each regional commission may require any person who desires copies of application summaries to provide a self-addressed stamped envelope for each desired mailing; where extensive duplicating or mailing costs are involved, the regional commission may also require that interested persons provide reimbursement for such costs.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**Article 7. Public Comments on Applications**

**13060. Distribution of Comments.**

The executive director shall reproduce and distribute to all regional commission members, the text or summary of all relevant communications concerning applications that are received in the regional commission offices prior to the regional commission's public hearing and thereafter at any time prior to the vote. Such communications shall be available at the regional commission office for review by any person during normal working hours.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13061. Treatment of Similar Communications.**

When a sizable number of similar communications is received, the texts need not be reproduced but the regional commission shall be informed of the substance of the communications; such communications shall be made available at the regional commission office for inspection by any person during normal working hours.

**Article 8. Hearing Dates**

**13062. Scheduling.**

The executive director of the commission or regional commission shall set each application filed for public hearing no later than the 49th day following the date on which the application is filed. All dates for public hearing shall be set with a view toward allowing adequate public dissemination of the information contained in the application prior to the time of the hearing, and toward allowing public participation and attendance at the hearing while affording applicants expeditious consideration of their permit applications.

**NOTE:** Authority cited: Section 30333, Public Resources Code. Reference: Section 30621, Public Resources Code.

**HISTORY:**

1. Amendment filed 5-29-79; effective thirtieth day thereafter (Register 79, No. 22).
2. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
3. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).

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(Register 79, No. 22—6-2-79)

(p. 260.29)

**13063. Notice.**

(a) The executive director shall provide to each applicant and to all persons known or thought by the executive director to have a particular interest in the application, including those specified in Section 13054(a), notice of: (1) the filing of the application pursuant to Section 13056; (2) the number assigned to the application; (3) a description of the development and its proposed location; (4) the date, time and place at which the application will be heard by the commission or regional commission; (5) the general procedure of the regional commission concerning hearings and action on applications and (6) the direction to persons wishing to participate in the public hearing that testimony should be related to the regional and statewide issues addressed by the California Coastal Act of 1976 and that testimony relating solely to neighborhood and local concerns is not relevant and will not be permitted by the chairperson.

**HISTORY:**

1. Amendment filed 8-22-77 as an emergency; effective upon filing (Register 77, No. 35). For prior history, see Register 77, No. 24.
2. Certificate of Compliance filed 12-22-77 (Register 77, No. 52).

**Article 9. Oral Hearing Procedures****13064. Conduct of Hearing.**

The regional commission's public hearing on a permit matter shall be conducted in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay.

**13065. Evidence Rules.**

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Unduly repetitious or irrelevant evidence shall be excluded upon order by the chairperson of the regional commission.

**13066. Order of Proceedings.**

(a) The regional commission's public hearing on a permit application shall ordinarily proceed in the following order:

- (1) Identification of the application; a summary of the application, its accompanying documents and other documents and materials submitted at the request of the applicant, interested persons or the staff, and staff comments thereon, and a summary of the correspondence received by the executive director, relating to the application;
- (2) Presentation by or on behalf of the applicant, if the applicant wishes to expand upon material contained in the application summary;
- (3) Other speakers for the application;
- (4) Speakers against the application;
- (5) Other speakers concerning the application;
- (6) Rebuttal by applicant subject to the discretion of the regional commission or if the vote is not to be scheduled for a subsequent meeting permitting time for rebuttal in writing;

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(Register 79, No. 22—6-2-79)

(7) Motion to close the public hearing (or to continue it to a subsequent meeting).

(b) Questions by commissioners will be in order at any time following any party's presentation, subject to time limitations.

(c) All proceedings with regard to permits shall be recorded as provided in Sections 13026 and 13027.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13067. Speaker's Presentations.**

Speakers' presentations shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate. The regional commission may establish reasonable time limits for presentation(s); such time limits shall be made known to all affected parties prior to any hearing. Where speakers use or submit to the regional commission visual or other materials, such materials shall become part of the application file and identified and maintained as such. Speakers may substitute reproductions of models or other large materials but shall agree to make the originals available upon request of the executive director.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13068. Other Speakers.**

(a) Subject to paragraph (b) of this section, and to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak on an application shall be heard.

(b) Remarks shall be brief and to the point, and shall not duplicate those of previous speakers.

**HISTORY:**

1. Repealer of subsection (c) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**Article 10. Field Trips**

**13069. Field Trips—Procedures.**

Whenever the regional commission is to take a field trip to the site of any proposed project, the chairperson shall decide, and the executive director shall provide public notice of the time, location and intended scope of the field trip.

**Article 11. Additional Hearings, Withdrawal and Off-Calendar Items,  
Amended Applications**

**13070. Continued Hearings.**

A public hearing on an application may be completed in one regional commission meeting. However, the regional commission may vote to continue the hearing to a subsequent meeting.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).



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§ 13073

(Register 80, No. 19—5-10-80)

(p. 260.31)

**13071. Withdrawal of Application.**

(a) At any time before the regional commission commences calling the roll for a vote on an application, an applicant may withdraw the application.

(b) Withdrawal must be in writing or stated on the record and does not require regional commission concurrence. Withdrawal shall be permanent except that the applicant may file a new application for the same development subject to the requirements of Sections 13056 and 13109.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30621, 30333, Public Resources Code.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
  2. Amendment of subsection (c) filed 6-14-78 as an emergency; effective upon filing (Register 78, No. 24).
  3. Certificate of Compliance filed 8-10-78 (Register 78, No. 32).
  4. Amendment filed 5-29-79; effective thirtieth day thereafter (Register 79, No. 22).
  5. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1).
- A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
6. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).

**13072. Procedures for Amended Application.**

(a) If an application for a permit for a proposed project is amended in any material manner, a public hearing must be held on the amended application, unless the executive director determines that the subject matter of the proposed amendment was reviewed adequately at a prior public hearing.

(b) If prior to a public hearing at which an application is scheduled to be heard an applicant wishes to amend its permit application in a manner which the executive director determines is material, the applicant shall agree in writing to extend the final date for public hearing not more than 42 days from the date of such amendment. If the applicant does not agree to such an extension, the regional commission shall vote on the application as originally filed.

(c) Conditions recommended by the executive director or imposed by the regional commission shall not be considered an amendment to the application.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**Article 12. Preparation of Staff Recommendation****13073. Staff Analysis.**

(a) If the vote on an application is scheduled for a later meeting than the oral hearing on the application, the executive director shall promptly perform whatever inquiries, investigations, research, conferences, and discussions are required to resolve issues presented by the application and to enable preparation of a staff recommendation for the vote. If further evidence is taken or received by the executive director, such evidence shall be made available in the administrative record of the application at the commission's office and all affected parties shall be given a reasonable opportunity to respond prior to the deadline for preparation and mailing of the staff recommendation.

(b) The executive director may request of the applicant any additional information necessary to perform the responsibilities set forth in subsection (a), and may report to the regional commission any failure to comply with such request, including the relationship of the requested information to the findings required by the California Coastal Act of 1976.

**13074. Submission of Additional Written Evidence.**

At any point before or after the oral hearing on a permit application, up until the time the public hearing is closed by the regional commission, any interested party may submit written evidence including rebuttal arguments, to the regional commission. Rebuttal information shall ordinarily be submitted to the executive director prior to the deadline for preparing staff recommendations.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13075. Final Staff Recommendation.**

The executive director's final recommendation shall include specific written findings, including a statement of facts and legal conclusions, as to whether the proposed development conforms to the requirements of the California Coastal Act of 1976, including, but not limited to, the requirements of Public Resources Code, Section 30604.

The staff recommendation shall include any questions that have not been answered by the applicant or by interested parties and may include a recommendation that the regional commission take a field trip to the site of any proposed project when the executive director judges that this would materially assist in understanding and voting on the application. The staff recommendation shall be written except as provided in Section 13082.

The staff recommendation shall contain recommended written responses to significant environmental points raised during the evaluation in a manner consistent with the requirements of the California Environmental Quality Act. The staff recommendation shall also relate the proposed findings to prior decisions of the commission in order to assure consistency of the recommendation with decisions of the commission that, pursuant to the provisions of Public Resources Code Section 30625 (c) are precedents for the issues raised by the application.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13076. Distribution of Final Staff Recommendation.**

The staff recommendation shall be distributed to the persons and in the manner provided in Section 13059 for application summaries.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13077. Written Response to Staff Recommendation.**

Any person may respond in writing to the staff recommendation subject to the requirements of Sections 13074 and 13084.

**Article 13. Regional Commission Review of Staff Recommendation**

**13080. Alternatives for Review of Staff Recommendation.**

Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of the three alternatives set forth in Sections 13081-13083.

**TITLE 14****CALIFORNIA COASTAL COMMISSION**

§ 13084

(Register 80, No. 18—6-10-80)

(p. 260.33)

**13081. Staff Recommendation Included in Application Summary.**

If the staff report and tentative recommendation described in Section 13057 is complete and has been distributed prior to the public hearing, and if adequate public notice has been given, the regional commission may vote upon an application at the same meeting during which the public hearing on the application is held. The parties shall be afforded the opportunity for rebuttal to any information presented at the public hearing in the manner set forth in Section 13084 before the regional commission proceeds to vote on the application.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13082. Verbal Staff Recommendation Upon Conclusion of Public Hearing.**

(a) If the application summary does not include a staff recommendation, but the regional commission is prepared to vote immediately upon conclusion of the public hearing, the executive director shall provide a verbal recommendation and summary of proposed findings and the applicant and interested parties shall be afforded an opportunity to respond to the recommendation in the manner set forth in Section 13084 before the regional commission proceeds to vote on the application.

**HISTORY:**

1. Repealer of subsection (b) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13083. Consideration of Staff Recommendation at a Meeting Subsequent to the Oral Hearing.**

Upon conclusion of the oral hearing, the regional commission may put the vote on the application over to a subsequent meeting, but no later than 21 days following the conclusion of the public hearing unless the applicant in writing waives any right to a decision within that time limit. Notice of such hearing shall be given in the manner and to the persons provided in Section 13062 except that those persons notified pursuant to Section 13054(a) need not be notified under this section unless they specifically request such notice.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13084. Procedures for Presentation of Staff Recommendation and Responses of Interested Parties.**

(a) The executive director shall summarize orally the staff recommendation, including the proposed findings and any proposed conditions, in the same manner provided for application summaries in Section 13066.

(b) Immediately following the presentation of the executive director's recommendation, the parties who testified at the hearing conducted pursuant to Section 13066 or their representative(s) shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the opponents and other concerned parties speaking first to be followed by the applicant.

(c) At the discretion of the chairperson, the applicant or other parties may present rebuttal materials prior to the vote if the chairperson determines that the materials are primarily visual in nature, or, if the materials are in written form, that the written materials are merely rebuttal arguments and do not constitute new evidence.

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(p. 260.34)

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(Register 80, No. 19—8-10-80)

(d) Where the regional commission moves to vote on an application with conditions different from those proposed by the applicant in the application or by the staff in the staff recommendation pursuant to subsection (a) above, the parties who responded to the staff recommendation under subsection (b) above, shall have an opportunity to state their views on the conditions briefly and specifically. The order of presentation shall be as provided in subsection (b).

HISTORY:

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13085. Applicant's Postponement.**

In addition to the procedures set forth in Section 13071 the applicant may request the regional commission to postpone consideration of the application pursuant to this section. Where the applicant determines that he or she is not prepared to respond to the staff recommendation at the meeting for which the vote on the application is scheduled, the applicant shall have one right, pursuant to this section, to postpone the vote to a subsequent meeting. Such a request shall be in writing or stated on the record in a regional commission meeting and shall include a waiver of any applicable time limits for regional commission action on the application.

(a) Where the staff recommendation is distributed seven (7) or more days prior to the date of the scheduled regional commission meeting, the applicant must submit a request for postponement under this section to the executive director in writing at least two (2) working days before the meeting. The executive director shall establish procedures for notification, to the extent feasible, to all persons interested in the application, of the postponement.

(b) Where the staff recommendation is not distributed within the time specified in subsection (2) above, the applicant may request postponement either in writing or in person at the commission meeting prior to the presentations provided for in Section 13084(b).

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

HISTORY:

1. New section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
3. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).

**13087. Rescheduling.**

Where consideration of an application is postponed at the request of the applicant, the executive director shall, to the extent feasible, schedule further consideration of the application by the regional commission at a time and location convenient to all persons interested in the application.

HISTORY:

1. New section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

Article 14. Voting Procedure

**13090. Voting—After Recommendation.**

The regional commission shall not vote upon an application until it has received a staff recommendation under one of the three alternative procedures set forth in Sections 13081–13083.

**TITLE 14****CALIFORNIA COASTAL COMMISSION**

§ 13096

(Register 80, No. 19—5-10-80)

(p. 260.35)

**13091. Voting Time and Manner.**

The regional commission should normally vote on a permit application at the next regular regional commission meeting following the public hearing concerning the permit application unless the regional commission elects to follow one of the two procedures set forth in Sections 13081-13082.

**13092. Effect of Vote Under Various Conditions.**

(a) Votes by a regional commission shall only be on the affirmative question of whether the permit should be granted; i.e., a "yes" vote shall be to grant a permit (with or without conditions) and a "no" vote to deny.

(b) Any condition to a permit proposed by a commissioner shall be voted upon only by affirmative vote.

(c) A majority of members present is sufficient to carry a motion to require or delete proposed terms, conditions or findings.

(d) Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendation. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the regional commission shall be deemed to adopt the findings and conclusions recommended by the staff.

**13093. Straw Votes.**

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

**HISTORY:**

1. Repealer filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.

2. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 18).

**13094. Voting Procedure.**

(a) Voting upon permit applications shall be by roll call, with the chairperson being polled last.

(b) Members may vote "yes" or "no" or may abstain from voting, but an abstention shall not be deemed a "yes" vote.

(c) Any member may change his or her vote prior to the tally having been announced by the chairperson, but not thereafter.

**HISTORY:**

1. Amendment filed 8-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13095. Voting by Members Absent from Hearing.**

A member may vote on any application, provided he or she has familiarized himself or herself with the presentation at the hearing where the application was considered, and with pertinent materials relating to the application submitted to the commission and has so declared prior to the vote. In the absence of a challenge raised by an interested party, inadvertent failure to make such a declaration prior to the vote shall not invalidate the vote of a member.

**13096. Regional Commission Findings.**

(a) All decisions of the regional commission relating to permit applications shall be accompanied by written conclusions about the consistency of the application with Public Resources Code, Section 30604, and this section, and findings of fact and reasoning supporting the decision.

(b) Approval of an application shall be accompanied by specific findings of fact supporting the following legal conclusions:

(1) that the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Public Resources Code, Section 30200);

(2) that the permitted development will not prejudice the ability of any affected local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976,

(3) if the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; and

(4) that either the development will have no significant adverse environmental impacts or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the development as finally proposed may have on the environment.

(c) Denial of an application for a coastal development permit to demolish a structure shall be supported by a specific finding of fact, based on a preponderance of the evidence, that retention of such structure is feasible.

(d) Where written findings are not adopted at the time of the vote on the application, the executive director shall at the next subsequent meeting of the regional commission recommend findings in conformity with the requirements of this section. Where findings are not adopted together with the vote on the application, a majority of the members of the regional commission who prevailed shall be sufficient to adopt findings.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
3. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).

**Article 15. Consent Calendar Procedures**

**13100. Consent Calendar.**

New permit applications which, in the opinion of the executive director of a regional commission, are de minimis with respect to the purposes and objectives of the California Coastal Act of 1976, may be scheduled for one public hearing during which all such items will be taken up as a single matter. This procedure shall be known as the Consent Calendar.

**13101. Procedures for Consent Calendar.**

The procedures prescribed in these regulations pertaining to permit applications, including application summaries, staff recommendations, resolutions, voting, etc., shall apply to the Consent Calendar procedure, except that all included items shall be considered by the regional commission as if they constituted a single permit application. The public shall have the right to present testimony and evidence concerning any item on the Consent Calendar. Application summaries and tentative staff recommendations for applications placed on the consent calendar may be comprised of a brief but fair and accurate description of the proposed development and its location and a description of any proposed conditions. A factual finding may be made for similar projects located in the same geographic area and may be incorporated by reference in each application summary governed by the findings.

**TITLE 14****CALIFORNIA COASTAL COMMISSION****§ 13106**

(Register 80, No. 19—5-10-80)

(p. 260.37)

**13102. Conditions to Consent Calendar Items.**

The executive director may include recommended conditions in agenda descriptions of consent calendar items which shall then be deemed approved by the regional commission if the item is not removed by the regional commission from the consent calendar.

**13103. Public Hearings on Consent Calendar.**

At the public hearing on the Consent Calendar items, any person may ask for the removal of any item from the Consent Calendar and shall briefly state the reasons for so requesting. If any three commissioners object to any item on the Consent Calendar and request that such item be processed individually as a separate application, such item shall be removed from the Consent Calendar and shall thenceforth be processed as a single permit application. If any item is removed from the Consent Calendar, the public hearing on said item shall ordinarily be deemed continued until it can be scheduled for an individual public hearing.

**Article 16. Revocation of Permits****13104. Scope of Article.**

The provisions of this article shall govern proceedings for revocation of a coastal development permit previously granted by a regional commission or the commission. References to the regional commission shall be deemed to apply to the commission if the permit at issue was granted by the commission or if there is no regional commission with jurisdiction over the project site at the time of the request for revocation.

NOTE: Authority cited for Article 16 (Sections 13104-13108): Sections 30331 and 30333, Public Resources Code. Reference: Chapters 1, 2, 4 and 7 of Division 20, Public Resources Code.

**HISTORY:**

1. New Article 16 (Sections 13104-13108) filed 2-11-77 as an emergency; effective upon filing (Register 77, No. 7).
2. Certificate of Compliance filed 4-29-77 (Register 77, No. 18).

**13105. Grounds for Revocation.**

Grounds for revocation of a permit shall be (a) willful inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the regional commission finds that accurate and complete information would have caused the regional commission to require additional or different conditions on a permit or deny an application;

(b) failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the regional commission and could have caused the regional commission to require additional or different conditions on a permit or deny an application.

**HISTORY:**

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13106. Initiation of Proceedings.**

(a) Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's failure to provide information as specified in Section 13105 may request revocation of a permit by application to the executive director of the regional commission which issued the permit specifying, with particularity, the grounds for revocation. The executive director shall dismiss requests which are patently frivolous and without merit. The executive director may initiate revocation proceedings on his or her own motion on the basis of the grounds for revocation set forth in Section 13105.

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(b) The executive director of the commission may initiate proceedings by the commission to revoke a permit issued by a regional commission where he or she determines that there is good cause to do so and the regional commission has not reviewed any requests to revoke the permit.

HISTORY:

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13107. Suspension of Permit.**

Where the executive director determines in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the regional commission votes to deny the request for revocation. The executive director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in this article, to the address shown in the permit application. The executive director shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act of 1976 and subject to the penalties set forth in Public Resources Code, Sections 30820 through 30823.

HISTORY:

1. Repealer and new section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

**13108. Hearing on Revocation.**

(a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the regional commission with a preliminary recommendation on the merits of the request.

(b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.

(c) The regional commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the regional commission wishes the executive director or the Attorney General to perform further investigation.

(d) A permit may be revoked by a majority vote of the members of the regional commission present if it finds that any of the grounds specified in Section 13105 exist. If the regional commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

HISTORY:

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
3. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).

**13108.5. Finality of Regional Commission Decision.**

The determination of a regional commission on a request for revocation shall be final and not subject to appeal to the commission.

HISTORY:

1. New section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).



## Article 17. Reapplication

**13109. Reapplication.**

Following a final decision upon an application for a coastal development permit, no applicant or the applicant's successor in interest may reapply to a regional commission for a development permit for substantially the same development for a period of six months from the date of the prior final decision. Whether an application is "substantially the same" as that upon which a final determination has been rendered shall be decided by the executive director of the regional commission within (5) working days from receipt of such application. Where the executive director is unable to make such decision, the executive director may refer the re-application to the regional commission for its decision as to whether the application is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change. Until such a determination is made, the reapplication shall not be deemed "filed" within the meaning of Public Resources Code, Section 30621. Any project which has been denied by a regional commission or the commission and which may be submitted as a new permit application under the guidelines set forth above, may be considered by the regional commission without requiring that the revised project has received preliminary approval under Section 13052 from the local government entity or entities which originally approved the project. The regional commission may require that the revised project be subjected to informal review by appropriate local government entities prior to regional commission review. The six-month waiting period provided in this section may be waived by the commission for good cause.

**HISTORY:**

1. New Article 17 (Section 13109) filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).

## Article 18. Reconsideration

**13109.1. Scope of Article.**

The provisions of this article shall govern proceedings for reconsideration of terms or conditions of a coastal development permit granted or of a denial of a coastal development permit by a regional commission or the commission. References to the regional commission shall be deemed to apply to the commission if the permit was granted or denied by the commission or if there is no regional commission with jurisdiction over the project site at the time the request for reconsideration is made.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30643, Public Resources Code.

**HISTORY:**

1. New Article 18 (Sections 13109.1-13109.6) filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
2. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).

**13109.2. Initiation of Proceedings.**

Any time within 30 days following a final vote upon an application for a coastal development permit, the applicant of record may request the regional commission to grant reconsideration of the denial of an application for a coastal development permit or of any term or condition of a coastal development permit which has been granted. This request shall be in writing and shall be received by the Executive Director of the Regional Commission within 30 days of the final vote.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30643, Public Resources Code.

**13109.3. Suspension of Appeal.**

A request for reconsideration by the regional commission shall stay action on any appeal taken on the permit action and all application time limitations. The executive director of the commission shall notify the appellant of the reconsideration request and the effect on the pending appeal.

If the reconsideration request is denied, the appeal shall be re-activated and set for hearing in accordance with the procedures in these regulations. If the reconsideration request is granted, the appeal shall be invalidated. Aggrieved parties participating in either the original hearing or the reconsideration hearing may appeal from the decision on the reconsidered permit application. Such appeal shall be filed in accordance with Sections 13110-13129 of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30643, Public Resources Code.

**13109.4. Grounds for Reconsideration.**

Grounds for reconsideration of a permit action shall be either:

- (1) that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter, or
- (2) that an error of fact or law has occurred which has the potential for altering the commission's or regional commission's initial decision.

The regional commission shall have the discretion to grant or to deny requests for reconsideration.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30643, Public Resources Code.

**13109.5. Hearing on Reconsideration.**

(a) At the next regularly scheduled meeting or as soon as practicable after notice to the applicant and all persons the executive director has reason to know would be interested in the permit reconsideration, the executive director shall report the request for reconsideration to the regional commission with a preliminary recommendation on the grounds for reconsideration.

(b) The applicant and all aggrieved parties to the original regional commission decision shall be afforded a reasonable time to address the merits of the request.

(c) The regional commission shall vote on the request at the same meeting.

(d) Reconsideration shall be granted by a majority vote of the commissioners present. If reconsideration is granted, it shall be considered a new permit application and shall be processed in accordance with sections 13050-13129 of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30643, Public Resources Code.

**13109.6. Finality of Regional Commission Decision.**

The determination of a regional commission on a request for reconsideration shall be final and not subject to appeal to the commission.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30643, Public Resources Code.

## Appendix E

### CALIFORNIA COASTAL COMMISSION REGULATIONS ON OCS FEDERAL CONSISTENCY DETERMINATIONS

**TITLE 14**                      **CALIFORNIA COASTAL COMMISSION**                      **§ 13660**  
(Register 79, No. 13—331-79)                      (p. 260.84.1)

#### CHAPTER 10. FEDERAL CONSISTENCY DETERMINATION

##### SUBCHAPTER 1. COMMISSION PROCEDURES FOR CONSISTENCY DETERMINATIONS FOR OUTER CONTINENTAL SHELF (OCS) EXPLORATION, DEVELOPMENT OR PRODUCTION PLANS FOR OCS RELATED FEDERAL PERMITS

###### DETAILED ANALYSIS

Section	
13660.	Definition
13660.1.	Preliminary Submissions
13660.3.	Submission of Consistency Certification
13660.4.	Staff Summary and Hearing Notice
13660.5.	Contents of Summary
13660.6.	Conduct of Hearings on Staff Recommendations on a Consistency Determination
13660.7.	Regional Commission Role
13660.8.	Final Commission Decision
13660.9.	Appeals Procedure
13660.10.	Required Amendments
13660.11.	Multiple Permit Review
13660.12.	Associated Coastal Development Permits
13660.13.	Monitoring of Federal Permits

##### SUBCHAPTER 1. COMMISSION PROCEDURES FOR CONSISTENCY DETERMINATIONS FOR OUTER CONTINENTAL SHELF (OCS) EXPLORATION AND DEVELOPMENT OR PRODUCTION PLANS FOR OCS RELATED FEDERAL PERMITS

###### 13660. Definitions.

(a) The term "applicant" means any individual, corporation, partnership, association, or other entity organized or existing under the laws of any State, the Federal government, any State, regional or local government, or any entity of such Federal, State, regional or local government, who submits to the USGS Area Supervisor (or other designee of the Secretary of Interior) after August 31, 1978, an OCS plan which describes in detail activities requiring a Federal license or permit.

(b) The term "OCS plan" means any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act, as Amended, (43 U.S.C. § 1331 et. seq.), and the regulations under that Act, which describes in detail activities requiring a Federal license or permit.

(c) The term "USGS Area Supervisor" means the Pacific Area Oil and Gas Supervisor, United States Geological Survey, Department of the Interior.

(d) The term "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

(e) The term "Executive Director" means the Executive Director of the California Coastal Commission.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

###### HISTORY:

1. New Chapter 10 (Subchapter 1, Sections 13660-13660.11) filed 11-28-78 as an emergency; effective upon filing (Register 78, No. 43).

2. Certificate of Compliance filed 3-28-79 as to emergency filing of 11-28-79 (Register 79, No. 13).

3. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.1. Preliminary Consultation.**

(a) As soon as possible, but at least 10 days prior to submission to the USGS Area Supervisor, of any plan required to be submitted under the Outer Continental Shelf Lands Act as amended, (43 USC 1331 et seq.) for the exploration of areas leased under that Act, and at least 30 days prior to submission of plans for the development or production of areas leased under that Act, any applicant wishing to undertake such activities in areas adjacent to California waters shall consult with the Executive Director concerning all the activities required to be described in detail in the OCS plan which affect land and water uses.

This shall include, at minimum, activities requiring the following federal approvals:

USGS—Department of the Interior

Approval of offshore drilling operations

Approval of design plans for the installation of platforms

Approval of gathering and flow lines

The following OCS related Federal license or permit activities are encouraged to be included, if they will be required in connection with the OCS activity.

Department of Defense—U. S. Army Corps of Engineers

Permits and licenses required under Sections 9 and 10 of the Rivers Harbors Act of 1899

Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972

Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 and amendments

Permits for artificial islands and fixed structures located on the Outer Continental Shelf (Rivers and Harbors Act of 1899 as extended by 43 U.S.C. 1333(f))

Department of Interior—Bureau of Land Management—USGS

Permits and licenses required for drilling and mining on public lands (BLM)

Permits for pipeline rights-of-way on the Outer Continental Shelf

Permits and licenses for rights-of-way on public lands

Environmental Protection Agency

Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 and amendments

Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality

Department of Transportation—U.S. Coast Guard

Permits for construction of bridges under 33 USC 401, 491-507 and 525-534

Permits for deepwater ports under the Deepwater Port Act (P.L.93-627)

Federal Energy Regulatory Commission

Certifications required for interstate gas pipelines

Permits or licenses for construction and operation of facilities needed to import, export or transship natural gas or electrical energy

Any other OCS related Federal license or permit activities which are not listed above are also encouraged to be included, if they will be required in connection with the OCS activity.

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(b) The Executive Director shall provide the applicant with a copy of the California Coastal Zone Management Plan ("CCMP") upon request.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.2. Review of Environmental Report for Sufficiency of Information.**

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Repealer filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included. For former history, see Register 78, No. 48.

**13660.3. Submission of Consistency Certification.**

(a) The applicant shall submit to the USGS Area Supervisor who in turn shall submit to the Executive Director: the OCS plan, with accompanying consistency certification and supporting information for all activities required to be described in detail in the plan and identified in Section 13360.1(a) of these regulations, and the environmental report as soon as it is approved by the USGS Area Supervisor pursuant to 30 CFR 250.34-1(b)(1) for exploration plans or 30 CFR 250.34-2 for development and production plans.

(b) The consistency certification for all activities described in detail in the OCS plan as required by Section 13660.3(a) above shall be in the following form:

The proposed activities described in detail in this plan comply with California's approved coastal management program and will be conducted in a manner consistent with such program.

(c) The applicant shall also include the following supporting information:

(1) a brief assessment relating the probable coastal zone effects of each of the enumerated activities and their associated facilities to the relevant elements of the program policies of the CCMP; and

(2) a brief set of findings derived from the assessment indicating that each of the enumerated activities (e.g. drilling, platform placement) and its associated facilities (e.g. onshore support structures, offshore pipelines), and its primary effects (e.g. air, water, waste discharges, erosion, wetlands, beach access impacts) are consistent with the mandatory provisions of the CCMP.

(d) Upon request of the applicant, the California Coastal Commission staff will provide assistance in preparing the assessment and findings required in Section 13660.3(c)(1) and (2) of these regulations.

(e) The Executive Director may request in writing additional data and information from the applicant if he deems it necessary for a complete and proper review. Such a request shall not extend the date for commencement of Coastal Commission review; however, failure to submit the requested information could result in an objection to the applicant's consistency determination [See § 13660.8(b)(4)]. The applicant shall comply with such request within 10 days of its receipt or shall indicate within 10 days reasons why the request cannot be complied with.

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(p. 260.84.4)

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(f) When the OCS Plan submitted to the Executive Director by the USGS Area Supervisor has deleted confidential and proprietary information, the places where such information has been deleted and the general subject matter of the information shall be identified. Where the Executive Director determines that such confidential and proprietary information is necessary to adequately assess the coastal zone effects of the activities described in the OCS plan and therefore to make a reasoned decision on the consistency of such activities, such information shall be provided in accordance with the provisions of the Outer Continental Shelf Lands Act, as amended, and the Freedom of Information Act, and their implementing regulations. The procedures specified in § 13660.3(e) apply to the Executive Director's request for confidential and proprietary information.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.4. Staff Summary and Hearing Notice.**

After receipt of the OCS plan, environmental report, consistency determination and the accompanying findings and assessments and any other information which the Executive Director deems necessary, the Executive Director shall:

(a) Prepare a staff summary of the applicants' findings and assessments and send the summary to the applicant, the Assistant Administrator, the USGS Area Supervisor, and other relevant Federal agencies, the affected Regional Commissions, local governments, state agencies, and other interested parties.

(b) Schedule a State Coastal Commission public hearing on the applicant's consistency determination, findings and assessments and the staff summary, giving appropriate notice to all interested parties, (as listed in Section 13660.4(a) above), with particular emphasis on informing citizens of the coastal area which will be affected. The Director shall endeavor, where possible, to schedule the public hearing in the affected region. The notice shall announce the availability for inspection of the applicant's consistency certificate and findings. The state and regional agencies responsible for air and water quality compliance shall be notified and provided the opportunity to present their agencies' positions before the Commission hearing. Such hearing shall be set for a regular Coastal Commission meeting not later than the 42nd day after receipt of the documents required by Section 13660.3. The Executive Director may, at his discretion, extend for an additional 30 days the 42-day time period for a hearing. All public hearings shall be scheduled with a view toward allowing widespread public distribution of the information contained in the staff's summary and recommendation and toward allowing maximum public participation and attendance at the hearing particularly for the citizens of the affected area, while affording the applicant expeditious consideration of consistency determinations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

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(Register 79, No. 13—3-31-79)

(p. 260.84.5)

**13660.5. Contents of Summary.**

The summary shall: (1) list the major activities listed in the OCS plan, for which a consistency determination, assessments and findings have been required, (2) discuss the effect of these activities and their associated facilities, and their effects on land and water uses in the coastal zone, (3) discuss the consistency of such activities and related effects with the mandatory provisions of the CCMP.

The summary shall also specifically list all other Federal permits for which consistency findings have not been enclosed and for which future consistency determinations will be required under Section 13660.11 of these regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.6. Conduct of Hearings on Staff Recommendations on a Consistency Determination.**

The Commission shall be the final decision maker on consistency determinations and shall conduct de novo hearings on consistency determinations substantially in accordance with the applicable procedures for permit hearings set forth in Sections 13057 through 13096, excluding Sections 13071, 13085, and 13087 of these Regulations.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment of Section title filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.7. Regional Commission Role.**

The affected Regional Commission(s) may wish to conduct hearings prior to the Commission hearing, and based on those hearings present testimony at the Commission hearing. The Regional Commission hearing panel may include State Commissioners. Upon written request by a Regional Executive Director, the Executive Director may extend for an additional 30 days the 42-day time period for its hearing required by Section 13660.4 in order to allow a full hearing at the Regional Commission level. Any Regional Commission hearings shall also be conducted substantially in accordance with Sections 13064–13096 of these regulations. The Regional Commission and State Commission shall attempt to hold a joint hearing where possible.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.8. Final Commission Decision.**

(a) The Commission shall issue a decision on whether the applicant's consistency certification complies with the CCMP; i.e., whether it "concurs" or "objects" to the applicant's consistency certification, at the earliest practicable time and in no event more than 6 months from the date of receipt of such consistency certification and required information from the USGS Area Supervisor (see Section 13660.3 of these regulations). If a Commission decision has not been reached within 3 months of such receipt, the Executive Director shall notify in writing the Assistant Administrator, the applicant, the USGS Area Supervisor, and the relevant Federal agencies of the status of review and the basis for further delay.

(b) A Commission decision which objects to an applicant's consistency certification for one or more of the activities described in detail in the OCS plan shall be accompanied by a statement indicating:

- (1) the effect which the activity will have on coastal land and water uses,
- (2) how the activity is inconsistent with a mandatory provision of the CCMP,
- (3) alternative measures (if they exist) which would make their proposed activity consistent with CCMP policies,
- (4) if a decision to object is based upon grounds that the applicant has not provided information required in Section 13660.3 above, which has been requested by the Executive Director, the nature of the information requested and the necessity of that information for a consistency determination must be described, and

(5) the applicant's right of appeal to the Secretary of Commerce on the grounds that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act or is necessary in the interest of national security.

(c) The Commission shall notify the applicant, the USGS Area Supervisor, the Assistant Administrator, and the relevant Federal agencies of its decision by sending a copy of its Final Decision to them.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.9. Appeals Procedure.**

Any applicant who appeals to the Secretary of Commerce a Commission objection to a consistency determination shall send a copy of the appeal and accompanying documents to the Executive Director of the Commission. The Executive Director shall submit detailed comments to the Secretary of Commerce within 30 days of receipt of the appeal and send copies of such comments to the applicant, the USGS Area Supervisor, and the relevant Federal agencies. This procedure shall also be followed if the Secretary of Commerce pursues an independent review of the consistency of an OCS activity.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.



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**13660.10. Required Amendments.**

Any amendment to an OCS plan which must be submitted as a result of Commission objection to consistency of an OCS activity shall be processed as if such amendment were a new plan; i.e. Sections 13660.1–13 of these regulations apply, except that the Commission must make its decision within 3 months of receipt.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

**HISTORY:**

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.11. Multiple Permit Review.**

(a) Applicants are strongly encouraged to include with OCS plans and with consistency certifications required to be submitted to the Commission in accordance with Section 13660.3 of these regulations, detailed descriptions, consistency determinations, findings and assessments and other supporting data for other OCS-related activities, which require a federal license or permit but are not required to be described in detail in OCS plans by the Secretary of the Interior (e.g., Corps of Engineer permits for the placement of structures on the OCS and for dredging and the transportation of dredged material, Environmental Protection Agency air and water quality permits for offshore operations and onshore support and processing facilities, or the other permits listed in Section 13660.1 of these regulations). Where consistency determinations and related findings and assessments are made for all required Federal permits connected with an OCS plan, the applicant shall so state and consolidated consistency review for these activities will take place at the same time and under the same procedures as review of activities required to be described in detail in OCS plans (Sections 13660.1–13 of these Regulations).

(b) If consistency determinations and related assessments and findings for all OCS related Federal permits are not included with an OCS plan and consistency determination, the applicant shall state which Federal permit activities have not been included. The Commission will review those permit activities which are not included separately. The final decision of the Commission for consistency determinations of OCS plan activities shall state which Federal permit activities have not been included and which therefor must be reviewed separately.

(c) The applicant and the Coastal Commission shall comply with Sections 13660–13660.13 of these regulations in processing consistency determinations which have not been included with OCS plans, except that:

(1) As soon as possible, but at least 10 days prior to submission of an application for a Federal permit, the applicant shall consult with the Executive Director concerning OCS-related Federal license or permit activities.

(2) An environmental report as described by 30 CFR 230.34-3(a) and 3(b) need not be submitted, if one which covered the subject permit activity was previously submitted under Section 13660.3 of these regulations, or if the Executive Director is satisfied that the applicant has provided sufficient information concerning the environmental effects of the permit activity to adequately review the project as if it were a coastal permit under the CCMP.

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(p. 260.84.8)

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(3) Wherever there is a requirement to notify the USGS Area Supervisor, notification shall also be sent to the chief of the Federal permitting agency.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

HISTORY:

1. Amendment filed 3-28-79 as an emergency; effective upon filing (Register 79, No. 13). Certificate of Compliance included.

**13660.12. Associated Coastal Development Permits.**

Where a facility associated with an OCS plan requires a coastal development permit under the California Coastal Act (e.g. pipeline, marine terminal, on-shore support and processing facilities, etc.), the applicant shall notify the Executive Director of the facility's relationship to the OCS plan at the time of submittal of the plan. Where an application for such a facility precedes submittal of the OCS plan to the Commission, the applicant shall notify the Executive Director that the facility is associated with a forthcoming OCS plan. If the Executive Director determines that a consolidated review of the applicant's consistency determination and application for a coastal development permit is necessary for complete and proper consideration of the matter, he shall recommend direct consideration of such permit application by the State Coastal Commission pursuant to Section 30333.5 of the Coastal Act.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

HISTORY:

1. New section filed 3-28-79 as an emergency; effective upon filing. Certificate of Compliance included (Register 79, No. 13).

**13660.13. Monitoring of Federal Permits.**

Copies of Federal license and permit applications for activities described in detail in an OCS plan, as well as for OCS-related activities, which have received Commission concurrence and which have been requested in the final Commission decision, shall be sent by the applicant to the Executive Director to allow the Commission to monitor the activities.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30008(c), Public Resources Code.

HISTORY:

1. New section filed 3-28-79 as an emergency; effective thirtieth day thereafter. Certificate of Compliance included (Register 79, No. 13).

APPENDIX E CONTINUED

COASTAL COMMISSION (CC) CONSISTENCY REVIEW TIMETABLE \*

0	
10 days	Before submittal of POE to USGS, consult with CC staff.
30 days	Before submittal of POD to USGS, consult with CC staff.
42 days	Initial public hearing on staff summary of OCS plan. (Executive Director may extend the 42-day time period for another 30 days.)
3 months	Notification to applicant and relevant federal agencies of the status of CC review and basis for further delay.
6 months	Maximum time allotted for CC final public hearing on consistency determination.

\* The consistency review timetable is a separate process from the state permit streamlining (AB 884) or the Commission's coastal development permit processes. It can be initiated at any point in the AB 884 timetable, but it generally precedes commission permit proceedings.

# APPENDIX E CONTINUED

## OCS CONSISTENCY REVIEWS

CONSISTENCY NUMBER	COMPANY	LOCATION	RECEIVED AT CCC	ACTION BY CCC
CC-1-78	Chevron, USA	Gulf of Catalina OCS P-306, 309	Oct. 20, 1978	Nov. 14, 1978 -C
CC-2-78	Chevron, USA	Santa Clara Unit Santa Barbara Channel OCS P-204, 208, 209	Nov. 20, 1978	Dec. 13, 1978 -C
CC-1-79	Exxon Corporation	Santa Ynez Unit Santa Barbara Channel OCS P-182, 193, 194, 196	Dec. 18, 1978	Feb. 21, 1979 -C
CC-2-79	Sohio Petroleum	Gulf of Catalina OCS P-0302	Jan. 23, 1979	Feb. 20, 1979 -C
CC-3-79	Exxon Corporation	Santa Rosa Unit Santa Barbara Channel OCS P-222, 223, 230, 231, 232, 238	Feb. 23, 1979	March 19, 1979-C
CC-4-79	Sun Production*	Dos Quadras Unit Santa Barbara Channel OCS P-0240	Apr. 9, 1979	May 16, 1979 -C
CC-5-79	Chevron, USA	Santa Clara Unit Santa Barbara Channel OCS P-0215	Aug. 9, 1979	Oct. 3, 1979 -C
CC-6-79	Union Oil POD **	Hueneme Unit Santa Barbara Channel OCS P-202	May 10, 1979	Nov. 7, 1979 -C
CC-7-79	Mobil Oil	Santa Barbara Channel OCS P-321	Oct. 30, 1979	Dec. 4, 1979 -C
CC-8-79	Chevron, USA	Santa Barbara Channel (South of Channel Islands) OCS P-245	Dec. 6, 1979	Feb. 21, 1980 -C
CC-9-79	Marathon Oil	Tanner-Cortez Bank OCS P-0276	Dec. 5, 1979	Jan. 24, 1980 -C
CC-10-79	Chevron, USA	Santa Barbara Channel OCS P-358	Dec. 14, 1979	Jan. 24, 1980 -C
CC-1-80	Shell Oil	Santa Barbara Channel OCS P-0361	Jan. 18, 1980	Feb. 21, 1980 -C
CC-2-80	Diamond/General Drilling, Ltd.***	Santa Barbara Channel OCS P-0321	Feb. 8, 1980	Feb. 21, 1980 -C
CC-3-80	Texaco, Inc.	Pitas Point Santa Barbara Channel OCS P-0346, 0234	Jan. 20, 1980	March 5, 1980 -C
CC-4-80	Chevron, USA	Santa Barbara Channel OCS P-0316	Feb. 11, 1980	Apr. 15, 1980 -C
CC-5-80	Chevron, USA	Santa Barbara Channel OCS P-0318	March 24, 1980	May 21, 1980 -C

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CONSISTENCY NUMBER	COMPANY	LOCATION	RECEIVED AT CCC	ACTION BY CCC
CC-6-80	Union Oil POD **	Santa Clara Unit Santa Barbara Channel OCS P-0216	Dec. 26, 1979	June 19, 1980 -C
CC-7-80	Chevron, USA	Santa Clara Unit Santa Barbara Channel OCS P-0205	Apr. 18, 1980	Aug. 19, 1980 -O
CC-8-80	Chevron, USA	Santa Clara Unit Santa Barbara Channel OCS P-0215	June 4, 1980	Sep. 16, 1980 -C
CC-9-80	Chevron, USA	Santa Barbara Channel OCS P-0324	June 4, 1980	Sep. 16, 1980 -C
CC-10-80	Texaco, Inc.	Santa Barbara Channel OCS P-0315	June 16, 1980	Sep. 16, 1980 -C
CC-11-80	Challenger Minerals	Santa Barbara Channel OCS P-0248	June 23, 1980	Sep. 16, 1980 -C
CC-12-80	Conoco, Inc.	Santa Barbara Channel OCS P-0325	June 23, 1980	Sep. 16, 1980 -C
CC-13-80	Champlin Petroleum	San Pedro Bay OCS P-0295	Sep. 8, 1980	Nov. 18, 1980 -C
CC-14-80	Conoco, Inc.	Santa Barbara Channel OCS P-0334	Oct. 13, 1980	Nov. 18, 1980 -C
CC-15-80	Chevron, USA	Santa Barbara Channel OCS P-0317	Oct. 27, 1980	Nov. 18, 1980 -C
CC-16-80	Chevron, USA	Point Conception OCS P-0348	Nov. 6, 1980	Jan. 20, 1981 -C
CC-17-80	Chevron, USA	Santa Barbara Channel OCS P-0349, 0350, 0351	Dec. 19, 1980	Jan. 20, 1981 -C
CC-18-80	Conoco, Inc.	Point Conception OCS P-0322	Dec. 12, 1980	Jan. 20, 1981 -C
CC-19-80	Champlin Petroleum	Point Conception OCS P-0333	Nov. 20, 1980	Jan. 20, 1981 -C
CC-1-81	Challenger Minerals	Santa Barbara Channel (South of Santa Cruz Island) OCS P-0248, 0251	Apr. 13, 1981	June 16, 1981 -C
CC-2-81	Chevron, USA	Santa Barbara Channel (North of Santa Cruz Island) OCS P-0335, 0345, 0355	May 26, 1981	June 16, 1981 -C

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